

REGIONAL DISTRICT OF NANAIMO

**BOARD MEETING
TUESDAY, JUNE 28, 2005
7:00 PM**

(RDN Board Chambers)

A G E N D A

PAGES

1. **CALL TO ORDER**
2. **DELEGATIONS**
3. **BOARD MINUTES**
14-29 Minutes of the regular Board meeting held on May 24, 2005 and the Special Board meeting held June 14, 2005.
4. **BUSINESS ARISING FROM THE MINUTES**
5. **COMMUNICATIONS/CORRESPONDENCE**
30-31 **Gordon Littlejohn, Timberwest Forest Company**, re Review of Resource and Forestry Land Subdivision Regulation.
32-35 **Ian Savage**, re Lantzville Official Community Plan.
6. **UNFINISHED BUSINESS**
BYLAWS
For Adoption.
36-38 **Bylaw No. 500.287** – Land Use and Subdivision Amendment Bylaw - Application ZA9626 – Rondalyn Resorts –1350 Timberlands Road – Area C. (Electoral Area Directors except EA ‘B’ – One Vote)
39-43 **Bylaw No. 500.302** – Land Use and Subdivision Amendment Bylaw - Fern Road Consulting on behalf of West Coast Rangers – Spider Lake Road, Spider Lake Area – Area H. (Electoral Area Directors except EA ‘B’ – One Vote)
44-48 **Bylaw No. 500.312** – Land Use and Subdivision Amendment Bylaw - Fern Road Consulting on behalf of Brookwater Homes Inc. – MacPherson Road, Spider Lake Area – Area H. (Electoral Area Directors except EA ‘B’ – One Vote)

Third Reading.

- 49-50 Bylaw No. 500.320 – Amendment to Minimum Parcel Size for Lots Created Pursuant to Section 946 of the Local Government Act – Electoral Areas ‘A’, ‘C’, ‘D’, ‘E’, ‘G’ & ‘H’. (Electoral Area Directors except EA ‘B’ – One Vote)

Public Hearings.

- 51-57 Report of the Public Hearing held June 13, 2005 with respect to Bylaw No. 500.309 – Land Use and Subdivision Amendment Bylaw - Williamson & Associates, BCLS, on behalf of Sanway Inc. – Claudet Road – Area E. (Electoral Area Directors except EA ‘B’ – One Vote)
- 58-67 Report of the Public Hearing held June 7, 2005 with respect to Bylaw No. 500.314 – Murray Hamilton on behalf of Owners of Strata Plan VIS5160 – Horne Lake Caves Road – Area H. (Electoral Area Directors except EA ‘B’ – One Vote)
- 68-76 Report of the Public Hearing held June 7, 2005 with respect to Bylaw No. 500.318 – RDN Recreation and Parks Department – Horne Lake Regional Park – Area H. (Electoral Area Directors except EA ‘B’ – One Vote)
- 77-83 Report of the Public Hearing held June 7, 2005 with respect to Bylaw No. 500.319 – RDN Recreation and Parks Department – Qualicum River Corridor – Area H. (Electoral Area Directors except EA ‘B’ – One Vote)

7. STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS

7.1 ELECTORAL AREA PLANNING STANDING COMMITTEE

- 84-90 Minutes of the Electoral Area Planning Committee meeting held June 14, 2005. (for information)

COMMUNICATION/CORRESPONDENCE

Angie Romanowski, re Nanoose Bay Official Community Plan. (All Directors – One Vote)

That the correspondence from Angie Romanowski with respect to the Nanoose Bay Official Community Plan be received.

Donna Golding & Don Heppner, re Nanoose Bay Official Community Plan. (All Directors – One Vote)

That the correspondence from Donna Golding and Don Heppner with respect to the Nanoose Bay Official Community Plan be received.

Peter & Ellen Leveille, re Nanoose Bay Official Community Plan. (All Directors – One Vote)

That the correspondence from Peter and Ellen Leveille with respect to the Nanoose Bay Official Community Plan be received.

Terence Bushell, re Nanoose Bay Official Community Plan. (All Directors – One Vote)

That the correspondence from Terence Bushell with respect to the Nanoose Bay Official Community Plan be received.

Mary & John Cowhig, re Nanoose Bay Official Community Plan. (All Directors – One Vote)

That the correspondence from Mary and John Cowhig with respect to the Nanoose Bay Official Community Plan be received.

Clarence Gustavson, re Nanoose Bay Official Community Plan. (All Directors – One Vote)

That the correspondence from Clarence Gustavson with respect to the Nanoose Bay Official Community Plan be received.

Rhys & Terry Harrison, re Nanoose Bay Official Community Plan. (All Directors – One Vote)

That the correspondence from Rhys and Terry Harrison with respect to the Nanoose Bay Official Community Plan be received.

Maurice Bergeron & Robin Fritz, re Nanoose Bay Official Community Plan. (All Directors – One Vote)

That the correspondence from Maurice Bergeron and Robin Fritz with respect to the Nanoose Bay Official Community Plan be received.

J. Maclachlan, re Nanoose Bay Official Community Plan. (All Directors – One Vote)

That the correspondence from J. Maclachlan with respect to the Nanoose Bay Official Community Plan be received.

Morris & Sandy Macklin, re Nanoose Bay Official Community Plan. (All Directors – One Vote)

That the correspondence from Morris and Sandy Macklin with respect to the Nanoose Bay Official Community Plan be received.

M. Laane, re Nanoose Bay Official Community Plan. (All Directors – One Vote)

That the correspondence from M. Laane with respect to the Nanoose Bay Official Community Plan be received.

K.B. Miller, Agricultural Land Commission, re Nanoose Bay Official Community Plan. (All Directors – One Vote)

That the correspondence from the Agricultural Land Commission with respect to the Nanoose Bay Official Community Plan be received.

Diane M. Pertson, re Nanoose Bay Official Community Plan. (All Directors -- One Vote)

That the correspondence from Diane M. Pertson with respect to the Nanoose Bay Official Community Plan be received.

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60511 – Yochim – Marshall Road – Area H. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to DP Application No. 60511.

That Environmentally Sensitive Features Development Permit Application No. 60511 with variances to legalize an existing dwelling unit, to allow the installation of a septic system and pedestrian footbridge and to permit re-vegetation of the riparian area, be approved according to the terms outlined in Schedule No. 1, subject to consideration of the comments received as a result of public notification.

Development Permit Application No. 60517 – Robalta Holdings – Shoreline Drive – Area H. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to DP Application No. 60517.

That Environmentally Sensitive Features (Coastal) Development Permit Application No. 60517 with variance to the minimum setback from the sea from 8.0 metres to 0.0 metres to allow a rip rap erosion protection device and the placement of fill on the Shoreline Drive property be approved, according to the terms outlined in Schedule No. 1, subject to consideration of comments received as a result of public notification.

Development Permit Application No. 60518 – Keith Brown & Associates on behalf of 703262 BC Ltd. – 1922 Schoolhouse Road – Area A. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to DP Application No. 60518.

That Development Permit No. 60518, with variances, for the property located at 1922 Schoolhouse Road to permit the construction of one freestanding sign be approved according to the terms outlined in Schedule No. 1, subject to consideration of comments received as a result of public notification.

Development Permit Application No. 60519 – Lightfoot – 6208 Island Highway West – Area H. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to DP Application No. 60519.

That Development Permit Application No. 60519 to allow for the construction of one single dwelling unit and one accessory building within the Watercourse Protection Development Permit Area be approved according to the terms outlined in Schedule No. 1, subject to consideration of comments received as a result of public notification.

Development Permit Application No. 60520 – Kadyshevich/Carniato – 2281 Widgeon Road – Area H. (Electoral Area Directors except EA ‘B’ – One Vote)

Delegations wishing to speak to DP Application No. 60520.

That Development Permit Application No. 60520 for a parcel located at 2281 Widgeon Road, including variances to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”, to legalize an existing non-conforming dwelling and gazebo, and to allow the construction of an addition, be approved according to the terms outlined in Schedule No. 1, subject to consideration of comments received as a result of public notification.

Development Permit Application No. 60521 – Moeng and Tough – 3692 Horne Lake Caves Road – Area H. (Electoral Area Directors except EA ‘B’ – One Vote)

Delegations wishing to speak to DP Application No. 60521.

That Development Permit Application No. 60521 with variance to permit the construction of one accessory building and one wooden staircase be approved subject to the terms outlined in Schedule No. 1 and consideration of comments received as a result of public notification.

Development Permit Application No. 60522 – Duval/Fern Road – 5487 Deep Bay Road – Area H. (Electoral Area Directors except EA ‘B’ – One Vote)

Delegations wishing to speak to DP Application No. 60522.

That Development Permit Application No. 60522 with variances be approved according to the terms outlined in Schedule No. 1, subject to consideration of comments received as a result of public notification.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. 90514 – Request for Acceptance of Land for Park Land Purposes; and Request for Relaxation of the Minimum 10% Frontage Requirement – Michael Rosen on behalf of Island Creekside Properties LP – off Jingle Pot Road – Area D. (Electoral Area Directors except EA ‘B’ – One Vote)

Delegations wishing to speak to DVP Application No. 90514.

That Development Variance Permit Application No. 90514, submitted by Michael Rosen, on behalf of Island Creekside Properties LP, to relax the minimum parcel averaging provision for proposed Lot 46 from 80% to 20% of the required 2.0 parcel size; to relax the minimum 10% perimeter frontage requirement pursuant to section 944 of the Local Government Act for proposed Lots 2, 3, 14, 31, 63, 64, 65, 67 and 68; and to accept the offer to transfer to the Regional District, proposed Lots 45 and 59 for park land purposes, be approved subject to the conditions set out in Schedule No. 1 as amended to delete Lot 64 from Item No. 5, and Schedule No. 2, and to the notification requirements pursuant to the Local Government Act.

OTHER

Review of Resource and Forest Land Subdivision Regulations. (Electoral Area Directors except EA 'B' – One Vote)

That staff be directed to prepare draft OCP and Zoning amendment bylaws that will amend the minimum parcel sizes as outlined in the staff report and that staff schedule a seminar with Electoral Area Directors prior to the next Board meeting.

Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285 – Finetuning Project ALR Properties. (Electoral Area Directors except EA 'B' – One Vote)

- 1. That the staff report recommending the introduction of "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.05, 2005" be received.*
- 2. That "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.05, 2005" be introduced and given 1st and 2nd reading and be referred to a Public Hearing.*
- 3. That the holding of the Public Hearing with respect to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.05, 2005" be delegated to Director Lou Biggemann or Director Joe Stanhope as his alternate.*

Electoral Area 'F' – Delegation of Authority for Non-Farm Uses. (Electoral Area Directors except EA 'B' – One Vote)

- 1. That the staff report be received for information.*
- 2. That staff be directed to enter into discussion and negotiation with the Agricultural Land Commission with respect to drafting a Delegation Agreement for second dwellings as non-farm uses in the ALR in Electoral Area 'F'.*
- 3. That staff commence the process for amending the A-1 land use zone of "Regional District of Nanaimo Zoning and Subdivision Bylaw No. 1285, 2002" and proceed to a Public Information Meeting to obtain comments and feedback from the community with respect to the proposed delegation of authority for second dwellings in the ALR in Electoral Area 'F'.*
- 4. That the Board receive the draft policy guidelines to assist in reviewing ALR applications received for second permanent dwellings in the ALR in Electoral Area 'F' as outlined in Schedule No. 1.*

Request for Acceptance of Cash in Lieu of Park Land Dedication – Leigh Millan, BCLS, on behalf of D and H Stimpson – Gould Road – Area A. (Electoral Area Directors except EA 'B' – One Vote)

That the request, submitted by Leigh Millan, BCLS, on behalf of D & H Stimpson, for cash in-lieu-of park land dedication in conjunction with the subdivision of Lot 1, Section 11, Range 1, Cedar District, Plan 21265, Except Part in Plans 42157 & VIP60377, be accepted.

Request for Acceptance of Dedication of Park Land – RG Fuller & Associates, on behalf of Land & Water BC – Alberni Highway – Area F. (Electoral Area Directors except EA 'B' – One Vote)

That the request, submitted by RG Fuller & Associates, on behalf of Land & Water BC, for acceptance of an offer to dedicate 4.09 ha of park land and at the time of subdivision, dedicate a further 15.0 metre wide park land strip adjacent to the Alberni Highway in the location as shown on Schedule No. 1, be accepted.

7.2 COMMITTEE OF THE WHOLE STANDING COMMITTEE

91-98 Minutes of the Committee of the Whole meeting held June 14, 2005. (for information)

UNFINISHED BUSINESS

From the Board Meeting held April 26, 2005

UTILITIES

French Creek Sewer Local Service Area Bylaw No. 813.31 and Northern Community Sewer Local Service Area Bylaw No. 889.30 – H & F Ventures Ltd. – Lee Road – Area G. (All Directors – One Vote)

- 1. That "French Creek Sewerage Facilities Local Service Area Amendment Bylaw No. 813.31, 2005" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.*
- 2. That "Northern Community Sewer Local Service Area Amendment Bylaw No. 889.30, 2005" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.*

COMMUNITY SERVICES

REGIONAL GROWTH MANAGEMENT

Urban Containment and Fringe Area Management Implementation Agreement Review. (All Directors except EA 'B' – One Vote)

- 1. That the Urban Containment Implementation Agreement be received.*
- 2. That RDN staff be directed to consult with the public about the Urban Containment Implementation Agreement as recommended in the staff report.*
- 3. That the Urban Containment Implementation Agreement be referred to the City of Nanaimo, the City of Parksville, the Town of Qualicum Beach and the District of Lantzville for information, at the commencement of the public consultation.*

CORPORATE AND COMMUNITY DEVELOPMENT

BUILDING INSPECTION

Section 57 of the Community Charter – Contravention of Bylaws. (All Directors – One Vote)

Property owners wishing to speak to their proposed filing.

That a notice be filed against the title of the property listed, pursuant to Section 57 of the Community Charter and that staff be directed to proceed with legal action necessary to ensure the property listed is brought into compliance with Building Bylaw No. 1250:

Lot 15, Block 564, Plan VIP76465, Nanoose District, 1978 Kaye Road, Electoral Area 'G', owned by R. and T. Marston.

FIRE DEPARTMENTS

Bylaws to Amend the Boundaries of the Extension Fire Protection Service and to Establish a New Fire Service in the Nanaimo River/South Forks Road Area:

Extension Fire Protection Service Conversion and Boundary Amendment Bylaw No. 1439. (All Directors – One Vote)

That "Extension Fire Protection Service Conversion and Boundary Amendment Bylaw No. 1439, 2005" be introduced for first three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

Nanaimo River Fire Protection Service Area Establishment Bylaw No. 1440. (All Directors – One Vote)

That "Nanaimo River Fire Protection Service Area Establishment Bylaw No. 1440, 2005" be introduced for first three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

Nanaimo River Fire Protection Service Area Loan Authorization Bylaw No. 1441. (All Directors – Weighted Vote)

That "Regional District of Nanaimo (Nanaimo River Fire Protection Service) Loan Authorization Bylaw No. 1441, 2005" be introduced for first three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

Extension Fire Protection Service Capital Charge Bylaw No. 1444. (All Directors – One Vote)

That "Extension Fire Protection Service Capital Charge Bylaw No. 1444, 2005" be introduced for first three readings.

PLANNING

Riparian Areas Regulation.

(All Directors – One Vote)

That the Board receive this report for information.

That the Board request that the Minister of Water, Land and Air Protection provide a time period extension order delaying implementation of the RAR until December 31st.

(Electoral Area Directors except EA 'B' – One Vote)

That the Board direct staff to begin the process to amend the development permit areas as required to implement the Riparian Areas Regulation.

ENVIRONMENTAL SERVICES

LIQUID WASTE

French Creek Pollution Control Centre Expansion and Upgrading Strategy. (Parksville, Qualicum Beach, EA's 'E', 'F', 'G' & 'H' – Weighted Vote)

That "Northern Community Sewer Service Area Development Cost Charges Bylaw No. 1442, 2005" be introduced for first and second readings and be forwarded for consultation as outlined in this report.

Fairwinds Wastewater Treatment Development Cost Charge Bylaw No. 1443. (All Directors – Weighted Vote)

That "Fairwinds Wastewater Treatment Development Cost Charges Bylaw No. 1443, 2005" be introduced for first three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

SOLID WASTE

Landfill Gas Utilization Development Agreement. (All Directors – Weighted Vote)

That the Board approve the Development Agreement with Suncurrent Industries Inc. to demonstrate the commercial viability of operating external combustion engines to generate electricity using landfill gas as an alternative fuel source.

Residential Food Waste Collection Pilot Project. (All Directors – One Vote)

That the Board approve a residential food waste diversion pilot project to be carried out in 2006.

UTILITIES

Acquisition of the Breakwater Utility. (All Directors – One Vote)

That the Board support the expenditure of \$45,000 to assist in completing the transfer and operational agreements with EPCOR for ownership and operation of the Breakwater utility.

French Creek Sewer Local Service Area Bylaw No. 813.33 and Northern Community Sewer Local Service Area Bylaw No. 889.33 – 889 Cavin Road – Area G. (All Directors – One Vote)

- 1. That "Regional District of Nanaimo French Creek Sewer Local Service Area Bylaw No. 813.33, 2005" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.*
- 2. That "Northern Community Sewer Local Service Area Bylaw No. 889.33, 2005" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.*

Capital Asset Management Review – Infrastructure Planning (Study) Grant Applications. (All Directors – One Vote)

That the Board support the applications to the Ministry of Community, Aboriginal and Women's Services for planning grants to support the Capital Asset Management Reviews for Fairwinds Water, Nanoose Water, Arbutus Park Water, San Pareil Water and Fairwinds Sewer.

Water System Audit – Infrastructure Planning (Study) Grant Applications. (All Directors – One Vote)

That the Board support the applications to the Ministry of Community, Aboriginal and Women's Services for planning grants to support the Water System Audit for the Nanoose Peninsula Water Local Service Areas.

Nanoose Bay Peninsula Water Services Amalgamation. (Bylaws No. 867.01, 929.04, 930.03, 788.04, 1255.02, 1288.01 and 1372.02)

(All Directors – One Vote)

Bylaw No. 867.01.

That "Nanoose Bay Peninsula Water Services Amalgamation Bylaw No. 867.01, 2005" be introduced for first three readings and forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

(All Directors – One Vote)

Bylaw No. 929.04.

That "West Bay Estates Water Service Area Purpose Amendment Bylaw No. 929.04, 2005" be introduced for first three readings and forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

(All Directors – One Vote)

Bylaw No. 930.03.

That “Arbutus Park Estates Water Service Area Purpose Amendment Bylaw No. 930.03, 2005” be introduced for first three readings and forwarded to the Ministry of Community, Aboriginal and Women’s Services for approval.

(All Directors – One Vote)

Bylaw No. 788.04.

That “Madrona Point Water Service Area Purpose Amendment Bylaw No. 788.04, 2005” be introduced for first three readings and forwarded to the Ministry of Community, Aboriginal and Women’s Services for approval.

(All Directors – One Vote)

Bylaw No. 1255.02.

That “Driftwood Water Service Area Purpose Amendment Bylaw No. 1255.02, 2005” be introduced for first three readings and forwarded to the Ministry of Community, Aboriginal and Women’s Services for approval.

(All Directors – One Vote)

Bylaw No. 1288.02.

That “Fairwinds Water Service Area Purpose Amendment Bylaw No. 1288.01, 2005” be introduced for first three readings and forwarded to the Ministry of Community, Aboriginal and Women’s Services for approval.

(All Directors – One Vote)

Bylaw No. 1372.02.

That “Nanoose Bay Water Supply Service Area Purpose Amendment Bylaw No. 1372.02, 2005” be introduced for first three readings and forwarded to the Ministry of Community, Aboriginal and Women’s Services for approval.

COMMISSION, ADVISORY & SELECT COMMITTEE

Electoral Area ‘G’ Parks & Open Space Advisory Committee Appointment.

(All Directors – One Vote)

That Alan Birchard be appointed to the Electoral Area ‘G’ Parks & Open Space Advisory Committee for a term ending December 31, 2007.

District 69 Recreation Commission.

(All Directors – One Vote)

That the minutes of the District 69 Recreation Commission meeting held May 19, 2005 be received for information.

(Parksville, Qualicum Beach, EA's E, F, G, H – Weighted Vote)

That the Board release the freeze placed on the District 69 Recreation Youth and Community Grant funds, that they continue their discussions with regard to the Community Policing Services and plan for Community Policing as a budget item in 2006 and that they approve the recommendations from the District 69 Recreation Commission Grants Committee for the following Recreation Youth and Community Grants:

Youth Recreation Grants

<i>Ballenas Cheer Team</i>	<i>\$ 1,500</i>
<i>District 69 Family Resource Association – Youth Link</i>	<i>\$ 2,000</i>
<i>Kidfest</i>	<i>\$ 1,500</i>
<i>Kwalikum Senior Secondary School Prom and Dry Grad Committee</i>	<i>\$ 1,250</i>
<i>Oceanside Arts Council – summer youth theatre</i>	<i>\$ 725</i>
<i>Oceanside Minor Baseball – improve Springwood old Pee Wee field</i>	<i>\$ 2,500</i>
<i>Women and Girls in Sport – hockey clinics and equipment</i>	<i>\$ 1,350</i>

Community Recreation Grants

<i>Errington Therapeutic Riding Association – insurance and tack</i>	<i>\$ 1,300</i>
<i>Errington War Memorial Hall Association – chairs</i>	<i>\$ 2,250</i>
<i>Nanoose Place Landscaping Project</i>	<i>\$ 1,500</i>
<i>Nicholls Park Revitalization Project</i>	<i>\$ 1,000</i>
<i>Oceanside Lyric Ensemble</i>	<i>\$ 1,100</i>
<i>Parksville Seniors Athletic Group</i>	<i>\$ 230</i>
<i>Qualicum Beach Family Day</i>	<i>\$ 750</i>
<i>Village Voices of Qualicum Beach – choral risers</i>	<i>\$ 2,100</i>

Regional Growth Monitoring Advisory Committee/State of Sustainability Project. (All Directors – One Vote)

That the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meeting held May 18, 2005 be received for information.

Regional Parks Plan Review Select Committee. (All Directors – One Vote)

That the minutes of the Regional Parks Plan Review Select Committee meeting held May 10, 2005 be received for information.

That the Terms of Reference for the establishment of the Regional Parks and Trails Advisory Committee be approved with the inclusion of the Board Chair as a voting member.

Area 'H' Parks & Open Space Advisory Committee. (All Directors – One Vote)

That the minutes of the Area 'H' Parks & Open Space Advisory Committee meeting held March 16, 2005 be received for information.

Nanoose Bay Parks and Open Space Advisory Committee. (All Directors – One Vote)

That the minutes of the Nanoose Bay Parks and Open Space Advisory Committee meeting held May 2, 2005 be received for information.

NEW BUSINESS

Horne Lake Caves Road. (All Directors – One Vote)

That the RDN request the Ministry of Transportation to assign high priority to the upgrading of Horne Lake and Horne Lake Caves Roads because of the dangerous mix of high-volume industrial and recreational vehicle traffic now sharing the roads and the significant public safety concerns that have resulted.

7.3 EXECUTIVE STANDING COMMITTEE

7.4 COMMISSIONS

7.5 SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

Nanoose Bay Parks & Open Space Advisory Committee (Area E) Appointment.

G. Holme (Verbal)

8. ADMINISTRATOR'S REPORTS

99-106 Rezoning of Resource and Forest Land Subdivision Regulations - Bylaws No. 1240.02, 1148.03, 1055.02, 1115.03, 1007.04, 1335.01, 500.325 and 1285.06. (Electoral Area Directors except EA 'B' – One Vote)

9. ADDENDUM

10. BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

11. NEW BUSINESS

District 69 Community Policing Grants. (Verbal)

12. BOARD INFORMATION (Separate enclosure on blue paper)

13. ADJOURNMENT

14. IN CAMERA

That pursuant to section 242.2(1)(h) of the Local Government Act the Board proceed to an In Camera meeting to consider legal matters.

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE REGULAR MEETING OF THE BOARD
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, MAY 24, 2005, AT 7:10 PM IN THE
RDN BOARD CHAMBERS

Present:

Director J. Stanhope	Chairperson
Director H. Kreiberg Alternate	Electoral Area A
Director B. Sperling	Electoral Area B
Director E. Hamilton	Electoral Area C
Director D. Haime	Electoral Area D
Director G. Holme	Electoral Area E
Director L. Biggemann Alternate	Electoral Area F
Director D. Heenan	Electoral Area H
Director R. Longmuir	City of Parksville
Director T. Westbrook	Town of Qualicum Beach
Director C. Haime Alternate	District of Lantzville
Director D. Tyndall	City of Nanaimo
Director R. Cantelon	City of Nanaimo
Director T. Krall	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

K. Daniels	Chief Administrative Officer
B. Lapham	Deputy Administrator
N. Connelly	Gen. Mgr. of Community Services
J. Finnie	Gen. Mgr. of Environmental Services
N. Avery	Manager of Financial Services
M. Pearse	Manager of Administrative Services

LATE DELEGATIONS

MOVED Director Holme, SECONDED Director McNabb, that the following delegations be permitted to address the Board.

CARRIED

Richard Dean, re Development Permit Application Subdivision Approval.

Mr. Dean expressed his concerns with the number of variance applications being submitted from the Columbia Beach subdivision and suggested that the Board direct staff to initiate rezoning of properties zoned Residential 5 to a single family residential zone.

Ken Zakreski, Gabriola Co-op Radio, re Funding.

Mr. Zakreski explained the funding request for the Gabriola Co-op Radio and asked that he be permitted to provide input on the report that is being prepared.

BOARD MINUTES

MOVED Director Krall, SECONDED Director D. Haime, that the minutes of the regular Board meeting held April 26, 2005 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Charles Rowe, Vancouver Island Health Authority, re Follow-up to Presentation to Board by Dr. David Forrest.

MOVED Director Krall, SECONDED Director Hamilton, that the correspondence from the Vancouver Island Health Authority regarding follow-up to a presentation to the Board by Dr. Forrest be received.

CARRIED

Rene and Jo-Ann Liebaert, re Development Permit Application No. 60512 – Gardiner – Viking Way – Area G.

MOVED Director Krall, SECONDED Director Hamilton, that the correspondence from Rene and Jo-Ann Liebaert regarding Development Permit Application No. 60512 be received.

CARRIED

Ron de Sain and Judy Samis, re Development Permit Application No. 60512 – Gardiner – Viking Way – Area G.

MOVED Director Krall, SECONDED Director Hamilton, that the correspondence from Ron de Sain and Judy Samis regarding Development Permit Application No. 60512 be received.

CARRIED

M. Laane, re Nanoose Bay Official Community Plan.

MOVED Director Krall, SECONDED Director Hamilton, that the correspondence from M. Laane regarding the Nanoose Bay Official Community Plan be received.

CARRIED

UNFINISHED BUSINESS

From the Board meeting held April 26, 2005.

Reconsideration of Resolution to Adopt Bylaw No. 1259.02 – Amendments to Planning Services Fees and Charges.

MOVED Director Hamilton, SECONDED Director Kreiberg, that “Regional District of Nanaimo Planning Services Fees and Charges Bylaw Amendment Bylaw No. 1259.02, 2005” be adopted.

CARRIED

BYLAWS

For Adoption.

Bylaw No. 805.04.

MOVED Director Westboek, SECONDED Director Cantelon, that “Electoral Area ‘G’ Community Parks Local Service Requisition Amendment Bylaw No. 805.04, 2005” be adopted.

CARRIED

Bylaw No. 1353.01.

MOVED Director Westbrook, SECONDED Director Cantelon, that "Englishman River Community Streetlighting Service Area Boundary Amendment Bylaw No. 1353.01, 2005" be adopted.

CARRIED

STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS

ELECTORAL AREA PLANNING STANDING COMMITTEE

MOVED Director Hamilton, SECONDED Director D. Haime, that the minutes of the Electoral Area Planning Committee meeting held May 10, 2005 be received for information.

CARRIED

COMMUNICATION/CORRESPONDENCE

Michael Jessen, re Development Permit Application No. 60512 – Gardiner – Viking Way – Area G.

MOVED Director Hamilton, SECONDED Director D. Haime, that the correspondence from Michael Jessen with respect to Development Permit Application No. 60512 be received.

CARRIED

Dave Edgar, Ministry of Transportation, re Nanoose Bay Official Community Plan.

MOVED Director Hamilton, SECONDED Director D. Haime, that the correspondence from the Ministry of Transportation with respect to road network plans within the Nanoose Bay OCP, be received.

CARRIED

Karen Pelletier, Canuck Properties Ltd., re Nanoose Bay Official Community Plan.

MOVED Director Hamilton, SECONDED Director D. Haime, that the correspondence from Karen Pelletier with respect to an application for a proposed development at the Island Highway and Northwest Bay Road, be received.

CARRIED

Ross Peterson, Northwest Nanoose Residents Association, re Nanoose Bay Official Community Plan.

MOVED Director Hamilton, SECONDED Director D. Haime, that the correspondence from the Northwest Nanoose Residents Association with respect to the Nanoose Bay OCP be received.

CARRIED

W.R. Colclough, re Nanoose Bay Official Community Plan.

MOVED Director Hamilton, SECONDED Director D. Haime, that the correspondence from W.R. Colclough with respect to the Nanoose Bay Official Community Plan be received.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. ZA0416 – Williamson & Associates, BCLS, on behalf of Sanway Inc. – Claudet Road– Area E.

MOVED Director Hamilton, SECONDED Director Holme, that the minutes of the Public Information Meeting held on April 25, 2005 be received.

CARRIED

MOVED Director Hamilton, SECONDED Director Holme, that Zoning Amendment Application No. ZA0416 as submitted by Williamson & Associates, BCLS, on behalf of Sanway Investments Inc. to rezone Lot B, District Lot 84, Nanoose District, Plan VIP53591 from Resource Management 3 Subdivision District B (RM3B) to Comprehensive Development Zone 26 (CD26) be approved to proceed to public hearing subject to the conditions included in Schedule No. 1.

MOVED Director Hamilton, SECONDED Director Holme, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.309, 2005" be given 1st and 2nd reading.

CARRIED

MOVED Director Hamilton, SECONDED Director Holme, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.309, 2005" proceed to Public Hearing.

CARRIED

MOVED Director Hamilton, SECONDED Director Holme, that the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.309, 2005" be delegated to Director Holme or his alternate.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60509 – Heck – 1885 & 1879 Widgeon Road – Area H.

MOVED Director Hamilton, SECONDED Director D. Haime, that Development Permit Application No. 60509 with variance, submitted by Brian and Camilla Heck, for 1885 & 1879 Widgeon Road to legalize the siting of the gazebo and attached deck within the Hazard Lands Development Permit Area be approved, subject to the terms identified in Schedule No. 1 and notification procedures.

CARRIED

Development Permit Application No. 60512 – Gardiner – 579 Viking Way – Area G.

Ms. Gardiner outlined the reasons for requesting this variance.

MOVED Director Hamilton, SECONDED Director Holme, that Development Permit Amendment Application No. 60512, to vary the minimum front and exterior lot line setback requirements of the Residential 5 (RS5) zone from 8.0 metres to 6.1 metres and from 8.0 metres to 6.0 metres respectfully, to permit the construction of a dwelling unit at 579 Viking Way be approved subject to the terms outlined in Schedule No. 1, and notification requirements.

CARRIED

Development Permit Application No. 60514 – Jorgensen – Osmond Ltd. – Grant – 1416 Reef Road – Area E.

MOVED Director Hamilton, SECONDED Director Holme, that Development Permit Application No. 60514, submitted by agent Peter Jorgensen of Jorgensen-Osmond Ltd., on behalf of Ray Grant, for 1416 Reef Road to allow the construction of a deck, the replacement of beach access stairs and the reconstruction and replanting of a bank, with variances for the deck and stairs, according to the terms outlined in Schedule No. 1, be approved, subject to the notification requirements; and that Development Permit Application No. 60449 be issued upon completion of the following items:

1. The Geotechnical Report prepared by Lewkowich Geotechnical Engineering Ltd., dated May 26, 2004, and subsequent reports are required to be registered on Title;

2. The applicants shall enter into a Restrictive Covenant saving the Regional District of Nanaimo harmless from any action or loss that might result from hazardous conditions and acknowledging the land slip and slope retrogression risk associated with the use of the property to the satisfaction of the Regional District.

CARRIED

Development Permit Application No. 60515 – BC Conservation Foundation on behalf of Fisheries and Oceans Canada – Part of Block 1462 (Cameron Lake) – Area F.

MOVED Director Hamilton, SECONDED Director Biggemann, that Development Permit Application No. 60515 submitted by the British Columbia Conservation Foundation on behalf of the Department of Fisheries and Oceans for the property legally described as Part of Block 1462, located at the east outlet of Cameron Lake within Electoral Area 'F' be approved, subject to the terms outlined in Schedule No. 1.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. 90507 – Wylie – 5040 Seaview Drive – Area H.

MOVED Director Hamilton, SECONDED Director D. Haime, that Development Variance Permit Application No. 90507, submitted by Vivian and Pamela Wylie, to vary "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" as outlined on Schedule No. 1 to legalize the existing single dwelling unit, accessory building and footbridge according to the Terms of Schedule No. 2, be approved subject to the notification procedures pursuant to the Local Government Act, and that Development Variance Permit Application No. 90507 be issued upon completion of the following item:

- a) The applicants must register the save harmless clause and the vegetation restoration plan dated March 27, 2005 prepared by Sector Environmental Resource Consulting, as a Section 219 covenant on the title of the subject parcel.

CARRIED

Development Variance Permit Application No. 90512 – J & J Stevenson and S & J Bentley– Fourneau Road – Area G.

MOVED Director Hamilton, SECONDED Director D. Haime, that Development Variance Permit Application No. 90512, submitted by S. & J. Bentley and J. & J. Stevenson, to reduce the original parcel size of one of the subject properties by more than 20%, to facilitate a boundary adjustment proposal at 425 Fourneau Way be approved subject to the terms in Schedule No. 1 and subject to notification procedures pursuant to the *Local Government Act*.

CARRIED

Development Variance Permit Application No. 90513 – Simonds/Winter – 787 Terrien Way – Area G.

MOVED Director Hamilton, SECONDED Director Holme, that Development Variance Permit Application No. 90513, submitted by Robert Simonds and B. Leigh Winter, for 783 and 787 Terrien Way to vary "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" as identified in Schedule No. 1 to legalize the existing single dwelling unit, accessory building and retaining walls be approved according to the terms in Schedule No. 2 and subject to notification procedures pursuant to the *Local Government Act*.

CARRIED

OTHER

Minimum Parcel Size Amendment to Bylaw No. 500, 1987 for Subdivisions Pursuant to Section 946 of the *Local Government Act* – Electoral Areas ‘A’, ‘C’, ‘D’, ‘E’, ‘F’, ‘G’ & ‘H’.

MOVED Director Hamilton, SECONDED Director D. Haime, that the report on the proposed amendment to the RDN Land Use and Subdivision Bylaw No. 500, 1987 concerning the increased minimum parcel size for subdivision pursuant to section 946 of the *Local Government Act* be received.

CARRIED

MOVED Director Hamilton, SECONDED Director D. Haime, that Bylaw No. 500.320, 2005 be given 1st and 2nd reading.

CARRIED

MOVED Director Hamilton, SECONDED Director Biggemann, that the Public Hearing for the proposed Bylaw No. 500.320, 2005 be waived and notice of the intent to adopt the amendment be published in the local newspapers and on the RDN website.

CARRIED

Draft Nanoose Bay Official Community Plan.

MOVED Director Hamilton, SECONDED Director Holme, that the report of the amended Nanoose Bay Official Community Plan containing discussion regarding amendments to the plan be received.

CARRIED

MOVED Director Hamilton, SECONDED Director Holme, that the amended Draft Nanoose Bay Official Community Plan be received.

CARRIED

MOVED Director Hamilton, SECONDED Director Holme, that the amended public consultation process as outlined in Schedule No. 2 be approved.

CARRIED

MOVED Director Hamilton, SECONDED Director Holme, that staff be directed to proceed with the zoning amendment process to amend the zoning setback from the ocean together with the other proposed amendments to the subdivision regulations that are proposed to implement the new OCP.

CARRIED

COMMITTEE OF THE WHOLE STANDING COMMITTEE

MOVED Director Krall, SECONDED Director Longmuir, that the minutes of the regular Committee of the Whole meeting held May 10, 2005 be received for information.

CARRIED

COMMUNICATION/CORRESPONDENCE

Errin Armstrong, UBCM, re Policing Costs Resolution.

MOVED Director Westbroek, SECONDED Director Kreiberg, that the correspondence received from UBCM with respect to policing costs resolution sent to UBCM and the Province's response, be received.

CARRIED

Murray Coell, Minister of Community, Aboriginal and Women's Services, re Water Conservation Regulation.

MOVED Director Westbrook, SECONDED Director Kreiberg, that the correspondence received from the Minister of Community, Aboriginal and Women's Services with respect to the Province's new Water Conservation Plumbing Regulation, be received.

CARRIED

Raymond Brookes, re Section 57, Contravention of Bylaws – 3023 Park Place – Area E.

MOVED Director Westbrook, SECONDED Director Kreiberg, that the correspondence received from Raymond Brookes with respect to the possible Section 57 filing on the property located at 3023 Park Place, be received.

CARRIED

COMMUNITY SERVICES

EMERGENCY PLANNING

West Nile Virus Risk Reduction Initiative.

MOVED Director Krall, SECONDED Director Hamilton, that the West Nile Virus Risk Reduction project for 2005 be approved.

CARRIED

REGIONAL GROWTH MANAGEMENT

Regional Growth Strategy – Annual Report for 2003-2004.

MOVED Director Longmuir, SECONDED Director Holdom, that the Regional Growth Strategy annual report for 2003 and 2004 be received.

CARRIED

CORPORATE SERVICES

ADMINISTRATION

Renewal of Legal Services Contracts.

MOVED Director Westbrook, SECONDED Director Tyndall, that the Board renew its legal services agreements with Staples, McDannold, Stewart in the area of municipal law and Harris & Co. in the area of labour law for a three year term expiring February 2008.

CARRIED

FINANCE

2004 Financial Information Report.

MOVED Director Krall, SECONDED Director Holdom, that the 2004 Financial Information Act report be received, approved and be forwarded to the Ministry of Community, Aboriginal and Women's Services.

CARRIED

2004 Audited Financial Statements.

MOVED Director McNabb, SECONDED Director C. Haime, that the report on the audited financial statements for the year ended December 31, 2004 be received.

CARRIED

Operating Results to March 31, 2005.

MOVED Director Krall, SECONDED Director McNabb, that the summary report of financial results from operations to March 31, 2005 be received for information.

CARRIED

Annual Report of Directors' and Committee Members' Remuneration and Expenses.

MOVED Director Holdom, SECONDED Director McNabb, that the 2004 report on remuneration and expenses for Board and Committee members be received.

CARRIED

Amendments to Authorization to Purchase and Pay – Policy A2.9.

MOVED Director Westbrook, SECONDED Director Biggemann, that the Purchasing Policy amendments to describe sole source awards, to reduce the number of quotations for goods and services costing less than \$10,000 from three to two and to acknowledge purchasing awards on other than strictly low price be approved.

CARRIED

Selection of Consultants – Policy A2.17.

MOVED Director Holdom, SECONDED Director Westbrook, that the Selection of Consultants Policy A2.17 be approved as presented.

CARRIED

Alberni Clayoquot Regional District – Permissive Tax Exemption.

MOVED Director Hamilton, SECONDED Director D. Haimc, that the Board consider annually the merits of a permissive tax exemption for the Mt. Arrowsmith Regional Park.

CARRIED

MOVED Director Hamilton, SECONDED Director D. Haimc, that "Property Tax Exemption (Mt. Arrowsmith Regional Park) Bylaw No. 1437, 2005" be introduced for first three readings.

CARRIED

MOVED Director Hamilton, SECONDED Director D. Haimc, that "Property Tax Exemption (Mt. Arrowsmith Regional Park) Bylaw No. 1437, 2005" having received three readings be adopted.

CARRIED

DEVELOPMENT SERVICES**ENGINEERING****Request for Authority to Establish a Sidewalk Function in Electoral Area 'E'.**

MOVED Director Holme, SECONDED Director Holdom, that the Board endorse the resolution attached to the corresponding staff report, requesting the authority for the operation and maintenance of a sidewalk function within Electoral Area 'E'.

CARRIED

BUILDING INSPECTION**Section 57 of the Community Charter – Contravention of Bylaws.**

MOVED Director Holme, SECONDED Director Hamilton, that a notice be filed against the titles of the properties listed, pursuant to Section 57 of the Community Charter and that if the infractions are not rectified within ninety (90) days, legal action will be pursued:

- (a) Lot 3, Section 3, Gabriola Island, Plan 23476, Nanaimo District, 1983 South Road, Electoral Area 'B', owned by D. Ingram;
- (b) Parcel D (DD368811) of Section 13, Range 6, Mountain District, 2300 East Wellington Road, Electoral Area 'D', owned by D. Shortt;

- (c) Lot 5, Sections 12 and 13, Range 2, Plan 30985, Mountain District, 3116 Northwood Road, Electoral Area 'D', owned by L. Tiedjens;
- (d) Lot 20, District Lot 78, Plan 14212, Nanoose District, 3023 Park Place, Electoral Area 'E', owned by R. & S. Brookes.

CARRIED

BYLAW ENFORCEMENT

Bylaw Enforcement Ticket Information Bylaw No. 1418.

MOVED Director Westbroek, SECONDED Director Longmuir, that "Regional District of Nanaimo Bylaw Enforcement Ticket Information Bylaw No. 1418, 2005" be introduced and receive three readings.

CARRIED

MOVED Director Westbroek, SECONDED Director Longmuir, that "Regional District of Nanaimo Bylaw Enforcement Ticket Information Bylaw No. 1418, 2005" having received 3 readings be adopted.

CARRIED

MOVED Director Westbroek, SECONDED Director Longmuir, that "Regional District of Nanaimo Ticket Information Utilization Bylaw No. 1015, 1998" be repealed.

CARRIED

Discharge of Firearms in Nanoose Harbour Area.

MOVED Director Holme, SECONDED Director Tyndall, that the request to the Ministry of Water, Land and Air Protection by Nance Roach to restrict the discharge of firearms in the Nanoose Harbour Area be supported.

CARRIED

ENVIRONMENTAL SERVICES

LIQUID WASTE

Sewage Disposal Regulation Amendment Bylaw No. 1224.02 -- Pump and Haul.

MOVED Director Krall, SECONDED Director Sperling, that "Regional District of Nanaimo Sewage Disposal Regulation Amendment Bylaw No. 1224.02, 2005" be read three times.

CARRIED

MOVED Director Krall, SECONDED Director Sperling, that "Regional District of Nanaimo Sewage Disposal Regulation Amendment Bylaw No. 1224.02, 2005", having been read three times, be forwarded to the Ministry of Health for approval.

CARRIED

SOLID WASTE

Solid Waste Management Regulation Bylaw No. 1428 – Commercial Food Waste Ban.

MOVED Director Westbroek, SECONDED Director Holdom, that "Regional District of Nanaimo Solid Waste Management Regulation Bylaw No. 1428, 2005" be introduced for three readings.

CARRIED

MOVED Director Westbroek, SECONDED Director McNabb, that "Regional District of Nanaimo Solid Waste Management Regulation Bylaw No. 1428, 2005" having received three readings be considered for adoption at the same meeting.

CARRIED

MOVED Director Krall, SECONDED Director McNabb, that "Regional District of Nanaimo Solid Waste Management Regulation Bylaw No. 1428, 2005" be adopted.

CARRIED

Ground and Surface Water Monitoring Services Contract – Regional Landfill.

MOVED Director Holme, SECONDED Director Krall, that a contract for the provision of ground and surface water monitoring services at the Regional Landfill for 2005 to 2007 be awarded to Morrow consultants at a cost of \$201,455.

CARRIED

UTILITIES

Melrose Terrace Water Local Service Area Rates and Regulations Bylaw No. 1434 – Area F.

MOVED Director Biggemann, SECONDED Director Longmuir, that "Melrose Terrace Water Local Service Area Rates and Regulations Bylaw No. 1434, 2005" be introduced for three readings.

CARRIED

MOVED Director Biggemann, SECONDED Director Longmuir, that "Melrose Terrace Water Local Service Area Rates and Regulations Bylaw No. 1434, 2005" having received three readings be considered for adoption at the same meeting.

CARRIED

MOVED Director Biggemann, SECONDED Director Cantelon, that "Melrose Terrace Water Local Service Area Rates and Regulations Bylaw No. 1434, 2005" having received three readings be adopted.

CARRIED

Melrose Terrace Water Local Service Area Uses Restrictions Bylaw No. 1435 – Area F.

MOVED Director Biggemann, SECONDED Director Holme, that "Melrose Terrace Water Local Service Area Uses Restrictions Bylaw No. 1435, 2005" be introduced for three readings.

CARRIED

MOVED Director Biggemann, SECONDED Director Holme, that "Melrose Terrace Water Local Service Area Uses Restrictions Bylaw No. 1435, 2005" having received three readings be considered for adoption at the same meeting.

CARRIED

MOVED Director Biggemann, SECONDED Director Holme, that "Melrose Terrace Water Local Service Area Uses Restrictions Bylaw No. 1435, 2005" having received three readings be adopted.

CARRIED

French Creek Sewer Local Service Area Bylaw No. 813.32 and Northern Community Sewer Local Service Area Bylaw No. 889.31 – 1355 Lundine Lane – Area G.

MOVED Director Westbroek, SECONDED Director D. Haime, that "French Creek Sewer Local Service Area Bylaw No. 813.32, 2005" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Westbroek, SECONDED Director D. Haime, that "Northern Community Sewer Local Service Area Bylaw No. 889.31, 2005" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

Surfside Sewer Local Service Area Bylaw No. 1124.04 and Northern Community Sewer Local Service Area Bylaw No. 889.32 – 121 Kinkade Road – Area G.

MOVED Director Holme, SECONDED Director Longmuir, that “Regional District of Nanaimo Surfside Sewer Local Service Area Bylaw No. 1124.04, 2005” be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Holme, SECONDED Director Longmuir, that “Northern Community Sewer Local Service Area Bylaw No. 889.32, 2005” be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

District 69 Recreation Commission.

MOVED Director Westbrook, SECONDED Director Cantelon, that the minutes of the District 69 Recreation Commission meeting held April 21, 2005 be received for information.

CARRIED

MOVED Director Westbrook, SECONDED Director Biggemann, that the Commission support the City of Parksville, the Town of Qualicum Beach and the Regional District in preparing a bid to host the 2007 or 2008 BC Seniors Games with the condition that a volunteer Community Champion may be found to promote the bid.

CARRIED

Director Holme left the meeting citing a possible conflict of interest with the next resolution.

MOVED Director Westbrook, SECONDED Director Stanhope, that the Regional District, on behalf of the Parksville Curling Club, request that the City of Parksville seek electorate consent to lease the subject property to the RDN for a term of twenty years for the purpose of the operation of a public recreation facility.

MOVED Director Westbrook, SECONDED Director Longmuir, that this item be deferred pending legal advice.

CARRIED

MOVED Director Longmuir, SECONDED Director Westbrook, that the implementation of a three month pass program for Occanside Place beginning September 1, 2005, be approved.

CARRIED

Director Holme rejoined the meeting.

Regional Growth Monitoring Advisory Committee/State of Sustainability Project.

MOVED Director Holdom, SECONDED Director Tyndall, that the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meeting held April 28, 2005 be received for information.

CARRIED

Area ‘A’ Recreation Services Study Project Advisory Committee.

MOVED Director Kreiberg, SECONDED Director McNabb, that the minutes of the Electoral Area ‘A’ Recreation Services Study Project Advisory Committee meetings held April 12, 2005 and April 21, 2005 be received for information.

CARRIED

Emergency Preparedness Standing Committee.

MOVED Director Biggemann, SECONDED Director McNabb, that the minutes of the Emergency Preparedness Standing Committee meeting held April 28, 2005, be received for information.

CARRIED

Grants-in-Aid Committee.

MOVED Director Hamilton, SECONDED Director Westbrook, that the minutes of the Grants-in-Aid Committee meeting held April 29, 2005, be received for information.

CARRIED

MOVED Director Hamilton, SECONDED Director McNabb, that the following grants be approved:

School District 68:

Cedar School & Community Enhancement Society	\$	800
Festival Gabriola	\$	400
Nanaimo Pumpkin Festival	\$	400
Nanaimo Search & Rescue	\$	800

CARRIED

MOVED Director Westbrook, SECONDED Director Longmuir, that the following grants be approved:

School District 69:

Bard to Broadway Theatre Society	\$	400
District 69 Family Resource Association	\$	900
Ladies Auxiliary to Royal Canadian Legion – Bowser	\$	2,000
Lighthouse Country Business Association	\$	500
Oceanside Community Response Network	\$	300
Old School House Arts Centre	\$	900
Parksville Garden & Parkland Society	\$	500
Qualicum Cat Rescue	\$	500

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Gabriola Radio Funding.

MOVED Director Sperling, SECONDED Director Tyndall, that staff investigate and report back to the Committee on the District's ability to address the Gabriola Radio's request for funding and support in their application for a FM license through the CRTC.

CARRIED

NEW BUSINESS

Pesticide Strategy.

MOVED Director Westbrook, SECONDED Director Longmuir, that staff contact the Cowichan Valley Regional District regarding their newly adopted Pesticide Reduction Strategy and investigate the viability of the RDN pursuing a similar approach.

CARRIED

SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

Transit Business Plan Update Select Committee.

MOVED Director Krall, SECONDED Director Westbrook, that the minutes of the Transit Business Plan Update Select Committee meeting held May 12, 2005 be received for information.

CARRIED

MOVED Director Krall, SECONDED Director Holdom, that the 2005/2006 Annual Operating Agreement (AOA) with BC Transit be approved.

CARRIED

ADMINISTRATOR'S REPORTS

Transfer of Security – Gainsburg Road – Area H.

MOVED Director McNabb, SECONDED Director Hamilton, that the security bond collected for the Gainsburg Road subdivision be transferred to the Ministry of Water, Land and Air Protection.

CARRIED

Barclay Crescent Sewer Initiative – Design/Build Contract Award – Area G.

MOVED Director McNabb, SECONDED Director Holdom, that the Regional District of Nanaimo award the Design/Build contract for the Barclay Crescent Sewer Initiative Project to Hub Excavating Ltd. as the prime contractor and with McElhanney Engineering Services Ltd. as the prime engineering consultant for a total price of \$2,219,000.00 recognizing that additional allowances for contingencies will need to be authorized within the scope of the construction project and approved budget.

CARRIED

Nelson Road Boat Ramp Improvement – Area A.

MOVED Director Kreiberg, SECONDED Director McNabb, that staff be directed to proceed with a 'Nominal Rent Tenure' application to Land and Water BC Inc. for the purpose of making improvements at the public beach access at the end of Nelson Road in Cedar.

CARRIED

Zoning Amendment Application No. ZA0413 – Wendy Huntbatch – 2116 Alberni Highway – Area F.

MOVED Director Biggemann, SECONDED Director Westbrook, that the report containing an update on the status of Amendment Bylaw No. 1285.06, 2004 be received for information.

CARRIED

MOVED Director Biggemann, SECONDED Director D. Haime, that final approval of "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.06, 2004" not be provided until the Regional District receives written confirmation from the ALC that the proposed uses are permitted on the subject property.

CARRIED

RDN Hotel Room Tax Collection Service Establishing Bylaw No. 1429 and RDN Additional Hotel Room Tax Levy Bylaw No. 1430.

MOVED Director Longmuir, SECONDED Director McNabb, that "Regional District of Nanaimo Hotel Room Tax Collection Service Establishing Bylaw No. 1429, 2005" be adopted.

CARRIED

MOVED Director Longmuir, SECONDED Director Holme, that "Regional District of Nanaimo Additional Hotel Room Tax Levy Bylaw No. 1430, 2005" be adopted.

CARRIED

Project Definition Mission – RDN Partnership with Sunyani, Ghana.

MOVED Director Cantelon, SECONDED Director Holdom, that the Board receive the update regarding the partnership project between the RDN and the Sunyani Municipal Assembly.

CARRIED

ADJOURNMENT

MOVED Director Cantelon, SECONDED Director Tyndall, that this meeting terminate.

CARRIED

TIME: 8:25 PM

CHAIRPERSON

DEPUTY ADMINISTRATOR

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE SPECIAL BOARD MEETING
HELD ON TUESDAY, JUNE 14, 2005, AT 7:56 PM
RDN BOARD CHAMBERS**

Present:

Director J. Stanhope	Chairperson
Director H. Kreiberg	Electoral Area A
Director G. Lund	Electoral Area B
Director E. Hamilton	Electoral Area C
Alternate	
Director B. Jepson	Electoral Area D
Director G. Holme	Electoral Area E
Director L. Biggemann	Electoral Area F
Director D. Bartram	Electoral Area H
Alternate	
Director B. Johnston	City of Parksville
Director T. Westbrook	Town of Qualicum Beach
Alternate	
Director B. Dempsey	District of Lantzville
Director L. Sherry	City of Nanaimo
Alternate	
Director D. Brennan	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director T. Krall	City of Nanaimo
Alternate	
Director D. Tyndall	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

K. Daniels	Chief Administrative Officer
B. Lapham	Deputy Administrator
N. Connelly	General Manager of Community Services
J. Finnie	General Manager of Environmental Services
N. Avery	Manager of Financial Services
N. Fonn	Recording Secretary

DEVELOPMENT SERVICES

PLANNING

Electoral Area 'E' Draft Official Community Plan Bylaw No. 1400.

MOVED Director Holme, SECONDED Director Krall, that "Regional District of Nanaimo Official Community Plan Bylaw No. 1400, 2005" be given 1st and 2nd reading.

CARRIED

MOVED Director Holme, SECONDED Director Krall, that "Regional District of Nanaimo Official Community Plan Bylaw No. 1400, 2005" has been considered in conjunction with the Regional District of Nanaimo's Capital Expenditure Plan and Liquid Waste Management Plan, and Regional Growth Strategy to ensure consistency between them.

CARRIED

MOVED Director Holme, SECONDED Director Krall, that "Regional District of Nanaimo Official Community Plan Bylaw No. 1400, 2005" proceed to Public Hearing.

CARRIED

MOVED Director Holme, SECONDED Director Krall, that the Public Hearing on "Regional District of Nanaimo Official Community Plan Bylaw No. 1400, 2005" be delegated to Director Holme or his alternate.

CARRIED

ADJOURNMENT

MOVED Director Holme, SECONDED Director Sherry, that this meeting terminate.

CARRIED

TIME: 7:59 PM

CHAIRPERSON

DEPUTY ADMINISTRATOR



#3-4890 Rutherford Road
Nanaimo, British Columbia
Canada V9T 4Z4

Tel: 250.729.3700
Fax: 250.729.9481

R.D. DISTRICT	
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<i>B. de... ..</i>	

June 6, 2005

Mr. Joe Stanhope, Chairman, and RDN Directors
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC, V9T 6N2

Dear Chairman Stanhope and Directors:

It has come to our attention that a report titled "Review of Resource and Forestry Land Subdivision Regulation" was circulated at the May 10, 2005 Electoral Area Planning Committee of the Regional District of Nanaimo. The intent of the report appears to be to rezone all forest lands in the RDN to a 50-hectare minimum permitted parcel size.

We wish to express our concerns with this initiative, and request that the RDN Board of Directors holds this issue in abeyance pending consultation with the major stakeholders who will be affected by the report's recommendations.

It would appear that no consultation has taken place with the forestry companies to date, and the report makes no mention of initiating future consultation with those parties most impacted by this proposed change. While the report does direct staff to proceed with official community plan and zoning amendments (both processes which require some level of public consultation), it would seem reasonable that major stakeholders would have been contacted and that our input would be requested prior to proceeding with this initiative.

Another concern is that the report makes no mention of economic or financial implications for the major stakeholders, nor does there appear to be any consideration of the implications for forest operations. It is our understanding that the maintenance of a 'vibrant and sustainable economy' is one of the goals of the Regional Growth Strategy, which is certainly as important a goal as the report's apparent objective of aligning planning documents.

TimberWest and other major forestry companies with holdings in the area have always maintained good relations with the RDN. We are participants in numerous park and trail access agreements and have worked with staff on official community plan reviews. Given this history, we remain surprised that we have not had the opportunity to comment on this initiative.





Thank you in advance for responding to our concerns. We look forward to meeting with staff in the near future to discuss the potential ramifications of this initiative.

Yours truly,

TIMBERWEST FOREST COMPANY
by its Managing Partner,
TimberWest Forest Corp.

Per: Gordon Littlejohn
Director, Real Estate Group

June 22, 2005

Board of Directors RDN,

This is an addendum to my letter of May 14. Since the writing of that letter, 69 handwritten letters and 155 signed form letters, all stating opposition to the overdevelopment proposed in the new Lantzville OCP, have been forwarded to the RDN.

Rather than inundating the Board with copies for each Director, it seemed more prudent to leave one complete inventory of these letters with staff.

A breakdown of these letters is as follows:

- 71 letters and 30 form letters representing 74 residents, and 65 households in Lantzville.
- 117 form letters representing 120 more Lantzville residents, and 103 households in Lantzville.
- 3 letters plus 3 form letters from 6 residents of Pleasant Valley.

Summary: 194 residents, representing 168 households in Lantzville
6 residents, representing 6 households in Pleasant Valley

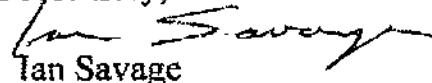
There are 1332 households in Lantzville. 168 households represents over 12 % . All these letters were handed in at one meeting, where 243 residents were in attendance, as evidenced by the sign in sheets. Residents submitted these letters with the express intent they would be given to the RDN and Nanaimo city council. The reason for this, is the RDN is about to consider changing Lantzville's UCB's through a Growth Strategy Plan process, which amounts to a contradiction of the spirit of the GSP which is to control urban sprawl.

The majority of Lantzville is urging you to delay this until the November elections, whereupon Lantzville can vote on the plan it wants, and Pleasant Valley can vote for an RDN rep who will represent them on the Foothills issue.

All of you know how difficult it is to get people out to meetings. If 243 residents in little Lantzville show up to a June meeting you know something is up.

We, also, have the evidence of phone polls. A Nanaimo woman was hired to phone poll Lantzville. Over 30% of households have been polled and it has consistently been 2/3 households are opposed to the overdevelopment proposed by the community plan. Those opposed to the Foothills 730 unit development is somewhat higher.

Yours truly,


Ian Savage

m opposed to the following proposals in the new Lantzville Community Plan:

Foothills Estates development (730 dwelling units plus a commercial center)

The reasons I am opposed :

- too much traffic
- concerns about water supply
- far too many dwelling units
- is contrary to the Regional Growth Strategy Plan which prevents urban sprawl
- we will have to subsidize the Foothills higher snow clearing costs
- we feel the quality of parkland we are getting doesn't warrant rezoning for 730 units

Lantzville Projects village core development (More than 350 condos and houses, secondary suites are encouraged in houses, 3 storey commercial buildings with apartments on the top floor along Lantzville Rd. and up Ware Rd., and a 100 unit seniors care facility.)

The reasons I am opposed :

- too much traffic
- too many dwelling units and too high density
- too many commercial buildings and designed like a commercial strip
- all this density will replace forest, and leave the village exposed to the highway
- Seaview school will lose its greenspace buffer
- the vast increase in traffic will decrease schoolkids walking safety
- the majority has twice rejected this development, we should be listened to

Rezoning the entire pink residential zoned area (This area is currently zoned for minimum one acre and 1/2 acre lot sizes. This is about to be changed to 1/3 acre minimum lot sizes for all developments of more than 3 lots. If developers donate an extra 15 % of their land for park, they will be given 1 extra lot per acre, which means 3 lots plus roads per acre which= approx 1/4 acre.

The reasons I am opposed :

- the current 1 acre and 1/2 acre zoning should remain
- we are gifting developers the smaller lot size of 1/3 acre but get nothing in return
- by gifting developers one extra lot per acre, the parkland they gift us may be land they can't build on anyway or the most undesirable land on the property
- Having all new development in the pink residential zone 1/3 acre or smaller will create one large homogeneous, characterless, city style subdivision
- 1/2 and one acre lots tend to be treed, more so than 1/3 (and smaller) acre lots
- this increase in density will lead to yet more traffic
- the more development density, the more pollution and environmental degradation
- owners of larger properties are being gifted extra density, owners of smaller properties aren't. I believe this discriminates in favour of the bigger developers

The commercial ~ industrial park off Aulds Rd.

The reasons why I am opposed :

- this is expanding Woodgrove type development into Lantzville
- could be disruptive to surrounding residents and more traffic on Aulds Rd.

Aspengrove private school (up to 250 students. To be located on Clark Dr. near Aulds Rd.)

Introducing Woodgrove shopping area as a new node. Lantzville should encourage new development in close proximity to the Woodgrove node.

The reasons I am opposed :

- Lantzville should have a strong green buffer separating it from Woodgrove in order to define Lantzville as a separate entity
- development right beside Woodgrove, coupled with the rest of Lantzville's proposed development will make Lantzville an indistinguishable extension of Nanaimo

Name _____

Signature _____

Address _____

May 14, 2005

Lantzville's OCP

Board of Directors RDN,

The majority of Lantzville residents are opposed to those development proposals in the OCP which directly contradict the RDN Growth Strategy Plan. These OCP proposals will very likely be voted down, through candidate selection, in the upcoming November elections.

Hence, it would make sense to wait for six months, at which time, amendments to the Growth Strategy Plan to accommodate these development proposals will no longer be necessary.

The following Lantzville OCP proposals are in contradiction to the Growth Strategy Plan:

****The industrial commercial zone off Aulds Road** This proposed site is nothing more than moving big box retail from Woodgrove, across the highway into Lantzville. This site is way outside Lantzville's urban containment boundary, and is located in a residential area. The Growth Strategy Plan limits high density and large commercial growth to within urban containment boundaries, in order to create well defined village centers and avoid a sprawl of unplanned arbitrary growth.

****The Foothills Estates development.** Most of this 1800 acres is zoned Resource Management 1, which prescribes 8 hectare minimum lot sizes. By contrast, Lantzville's proposed OCP would allow 730 residences (with a minimum ½ acre lot size) plus commercial. This results in a density average of 1 hectare per residence.

The Growth Strategy Plan, however, states on pg. 16: *"No new parcels that are smaller than the size supported by the official community plan in effect at the date of the adoption of this regional growth strategy may be created on land in this designation."*

The pertinent OCP's in effect at this time, were the current Lantzville and current East Wellington/ Pleasant Valley OCP's, which both prescribe *"a maximum density of 1 unit per 8.0 ha"* for resource lands.

So to go from a 8 ha (19.76 acres) minimum lot size to a ½ acre minimum, is a **3,952 % contradiction of the Growth Strategy Plan**. And the 1 ha density average is an **800 % contradiction**.

The proposed 900 acres of "parkland" the developer will be "donating" is simply a collection of bluffs, cliffs and canyons discarded by the developer as unsuitable for housing. This clearcut logged, rocky terrain is poor parkland and the many cliffs are dangerous. (Witness the deaths at Parksville's Little Mt. park.)

730 residences added to Lantzville's total 1332 current households is a 55% increase. The traffic on Aulds Road to Woodgrove will be greatly increased, as will Doumont Rd. to Metral Dr. The water and sewage servicing is yet another issue. Lantzville already has water shortages, and is looking into hooking up to Nanaimo's water supply. Does Nanaimo really want to be servicing mega subdivisions outside its boundaries? This again runs contrary to the Growth Management Plan which encourages confining servicing to within UCB's.

Putting a giant subdivision, with its own commercial center, on Resource lands is completely against what the Growth Strategy Plan is all about; curtailing urban sprawl.

As with Lantzville residents, the majority of Pleasant Valley residents are opposed to this development. They should also have a chance to vote on this issue in the upcoming local elections.

****Aspengrove School** This private school currently located in Nanaimo, wants to relocate to Lantzville, just off Aulds Road. It will be serviced by a package treatment septic system and private well water. They want a maximum 250 students for now, then apparently want to rezone again and expand in 2008.

Lantzville's current OCP only allows public schools in residential areas and disallows package treatment plants, unless for a single residence. The location of this school would be right beside the proposed industrial park, and, as such, is way outside Lantzville's urban containment boundary.

Lantzville's proposed new OCP suddenly allows private schools (which are a commercial enterprise) in residential neighbourhoods. The hired OCP consultant stated this was specifically done to accommodate Aspengrove School. This preferential treatment certainly wasn't precipitated by public demand. Very few locals could or would pay the \$6 500 to \$10 000 per student per year fees.

Phone polls show the majority of residents in the immediate area are opposed to the school by a margin of 2 to 1.

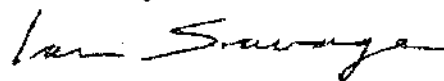
25% of Lantzville households have been phone polled and 66 % are opposed to all this proposed development in the OCP draft. Even more than that are opposed to specific developments like the Foothills.

This OCP has been Lantzville council driven from the start. The mayor was chairman of the OCP committee, and council handpicked the OCP committee, so the result was somewhat predetermined. Lantzville has a tradition of opposing too much overdevelopment within its boundaries, so why would this suddenly change?

These contradictions to the Growth Strategy Plan are unnecessary, as they don't have public support in Lantzville. May I suggest waiting until after the November elections, before adjusting the Urban Containment and Fringe Area Management Implementation Agreement, in order to accommodate certain Lantzville development proposals. These proposals will certainly be voted down through opposing candidates just 6 months from now.

Residents want a moderate approach to development, not to compete with Nanaimo for commercial zones, and not to create urban sprawl in our foothills. Most of us completely support the Growth Strategy Plan, and, unlike Lantzville's proposed OCP, have no desire to try to circumvent it.

Yours truly,



Ian Savage

7428 Chataway Pl.

Lantzville V0R 2H0

390 2292

TO: Robert Lapham
General Manager, Development Services

DATE: June 17, 2005

FROM: Keeva Kehler
Planner

FILE: 3360 30 9626

SUBJECT: Amendment Application ZA9626 – Rondalyn Resorts –Bylaw No. 500.287, 2002
Electoral Area 'C' – 1350 Timberlands Road

PURPOSE

To consider Bylaw 500.287, 2002 for adoption.

BACKGROUND

Bylaw No. 500.287, 2002 was introduced and given 1st and 2nd reading on June 11, 2002. This was followed by a Public Hearing held on July 3, 2002. Bylaw No. 500.287 was re-introduced and read two times on March 9, 2004. The Board waived the Public Hearing requirement and placed a notice of intent to adopt in the local paper and granted 3rd reading for the Bylaw on April 13, 2004.

The purpose of this amendment bylaw is to rezone the property legally described as That Part of Block 87, Bright, Douglas and Cranberry Districts, (Lying Within said Bright District), Lying to the East of Straight Boundary Bearing Due South from the Point on the Northerly Boundary of Said Block Distant 19.8 Chains Easterly from the South East Corner of District Lot 8, Bright District, Except Part in Plan VIP54590 and located at 1350 Timberlands Road in Electoral Area 'C' to an Comprehensive Development zone Subdivision District 'Z' (no further subdivision) to legalize the existing 60 RV sites (50 of which were considered nonconforming), accessory outdoor uses, accessory office and retail space, the existing residential use and outdoor storage space. There are an additional 30 RV sites, which the applicants will be attempting to legitimize over the next two years. It was necessary for the applicants to obtain approval from the Ministry of Water, Land and Air Protection to amend the sewage disposal permit to include the additional 30 sites.

The applicants have confirmed that the existing sign is within 2.0 metres of the other lot line and is approximately 3m² in sign face area, which is consistent with the RDN Sign Bylaw. The siting of this sign is legalized as part of the zoning amendment application.

As part of the development proposal, the applicant is in concurrence to meet a negotiated condition of development, which is to register a section 219 covenant on the title of the property that provides details on the uses of the RV sites and limits the scope of the accessory uses. The applicant's solicitor has confirmed that the covenant document has been forwarded to Land Titles for registration and has provided a copy of the covenant to the RDN.

ALTERNATIVES

1. To adopt Bylaw No. 500.287.
2. To not adopt Bylaw No. 500.287.

VOTING

Electoral Area Directors - one vote except Electoral Area 'B'.

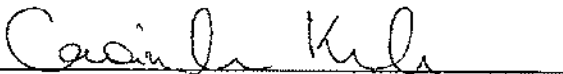
SUMMARY

"Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.287, 2002" was considered by the Board and given 1st and 2nd reading on June 11, 2002. Subsequent to that, a public hearing was held on July 3, 2002. The Board granted 3rd reading on December 9, 2003. The Bylaw was then re-introduced and read two times on March 9, 2004. The Public Hearing was waived and the Board granted 3rd Reading of the Bylaw on April 13, 2004. As the applicants have registered the required covenant document on the title of the subject property and have met all the other conditions of approval, this Bylaw may now be considered for adoption.

The following recommendation is provided for consideration by the Board.

RECOMMENDATION

That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.287, 2002", be adopted.




Report Writer



Deputy Administrator Concurrence



Manager Concurrence

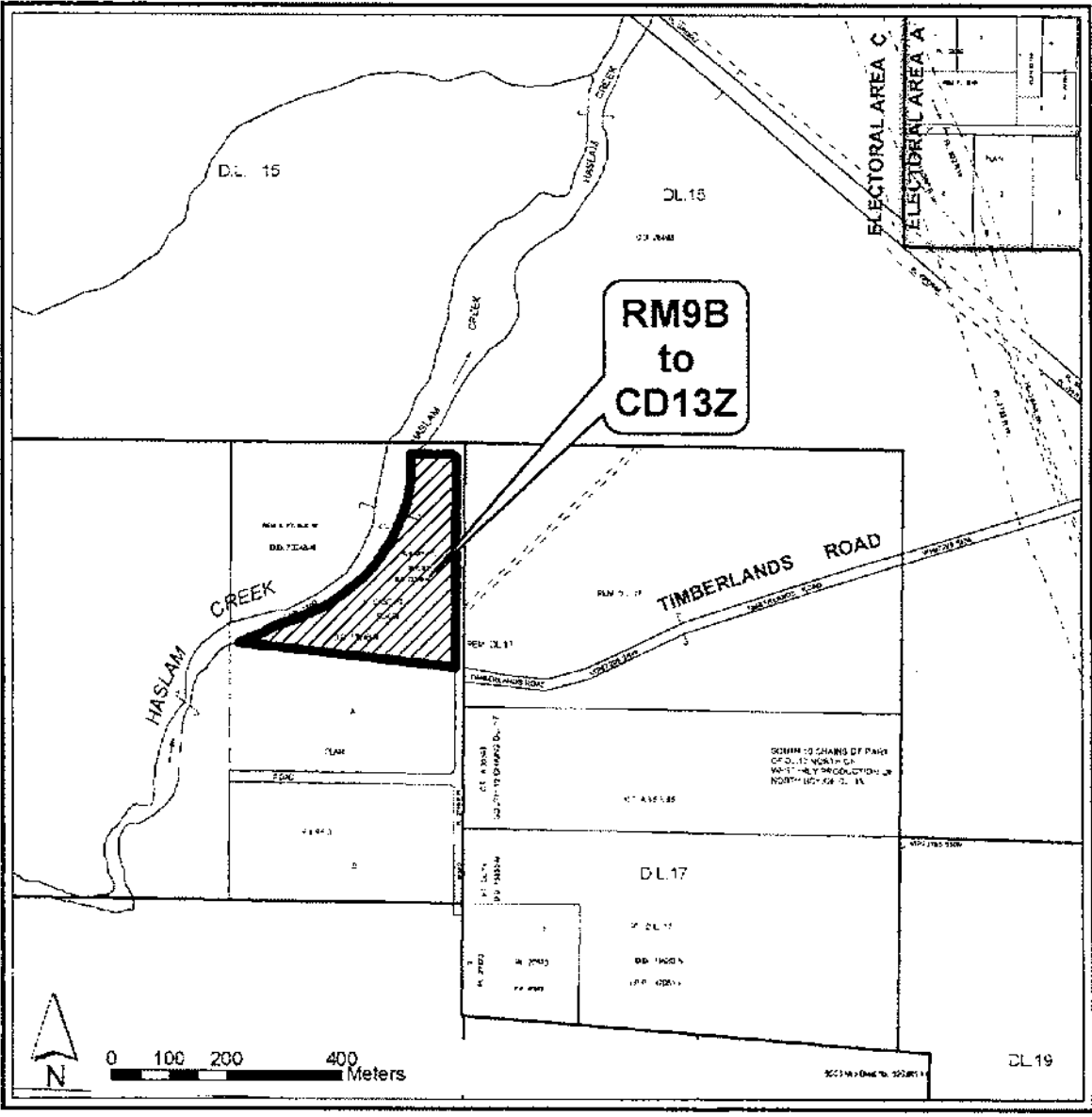


CAO Concurrence

COMMENTS:

devsvs/reports/2005/ZA3360 30 9626 jn brd Rondalyn adopt

Attachment No. 1
Location of Subject Property





REGIONAL DISTRICT OF NANAIMO	
CHAIR	GM Cms
CAO	GM PS
CA CCD	Mo"
JUN 16 2005	
Bed	

MEMORANDUM

TO: Wayne Moorman
Manager, Engineering & Subdivisions

DATE: June 14, 2005

FROM: Susan Cormie
Senior Planner

FILE: 3360 30 0402

SUBJECT: Bylaw Amendment Bylaw No. 500.302 – Fern Road Consulting, on behalf of West Coast Rangers
Electoral Area 'H' – Spider Lake Road, Spider Lake Area

PURPOSE

To consider Bylaw 500.302 for adoption.

BACKGROUND

Bylaw No. 500.302, 2004 was introduced and given 1st and 2nd reading on August 10, 2004. This was followed by a Public Hearing held on September 7, 2004. The Board granted 3rd reading for the bylaw on September 28, 2004.

The purpose of this amendment bylaw is to rezone the property legally described as Lot 5, Block 347, Newcastle and Alberni Districts, Plan 33670 and located adjacent to Horne Lake Road in the Spider Lake area of Electoral Area 'H' to a Rural 1 (RU1) zone Subdivision District 'D' (2.0 ha minimum parcel size without community services) to facilitate the creation of a 3-lot subdivision of the parent parcel consisting of 1 parcel with a minimum parcel size of 4.0 ha and 2 parcels with a minimum parcel size of 2.0 ha.

The amendment application includes the relaxation of the minimum 10% perimeter frontage requirement for Proposed Lot C to 1.5% (20.1 metres) of the total perimeter. Ministry of Transportation staff has no issue with the reduced frontage and conditions of approval include a covenant restricting further subdivision of this proposed parcel.

At 3rd reading of this amendment application, the Conditions for Approval include the preparation of 4 covenants to be registered on title concurrently with the Plan of Subdivision and applying for a development permit. These conditions, to be completed or secured prior to consideration of 4th reading of the corresponding bylaw, are outlined in Schedule No. 1. The applicant has provided draft covenants and it is expected that the final covenants and the applicant's solicitor's letter of legal undertaking to register the documents will be submitted prior to the Board meeting. With respect to the requirement for a development permit, Development Permit No. 60444 was issued on October 26, 2004 for protection of the aquifer. It is noted that the applicant has made application to the Regional Approving Officer for subdivision.

ALTERNATIVES

1. To adopt Bylaw No. 500.302.
2. To not adopt Bylaw No. 500.302.

VOTING

All Electoral Area Directors - one vote except Electoral Area 'B'.


SUMMARY

"Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.302, 2004" was considered by the Board and given 1st and 2nd reading on August 10, 2004. Subsequent to that, a public hearing was held on September 7, 2004 and the Board granted 3rd reading on September 28, 2004. As the conditions of approval are expected to be completed or secured as outlined in Schedule No. 1 prior to the Board meeting, this bylaw may now be considered for adoption.

The following recommendation is provided for consideration by the Board.

RECOMMENDATION

That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.302, 2004", be adopted.



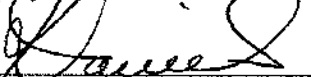
Report Writer



Manager Concurrence



Deputy Administrator Concurrence



CAO Concurrence

COMMENTS:

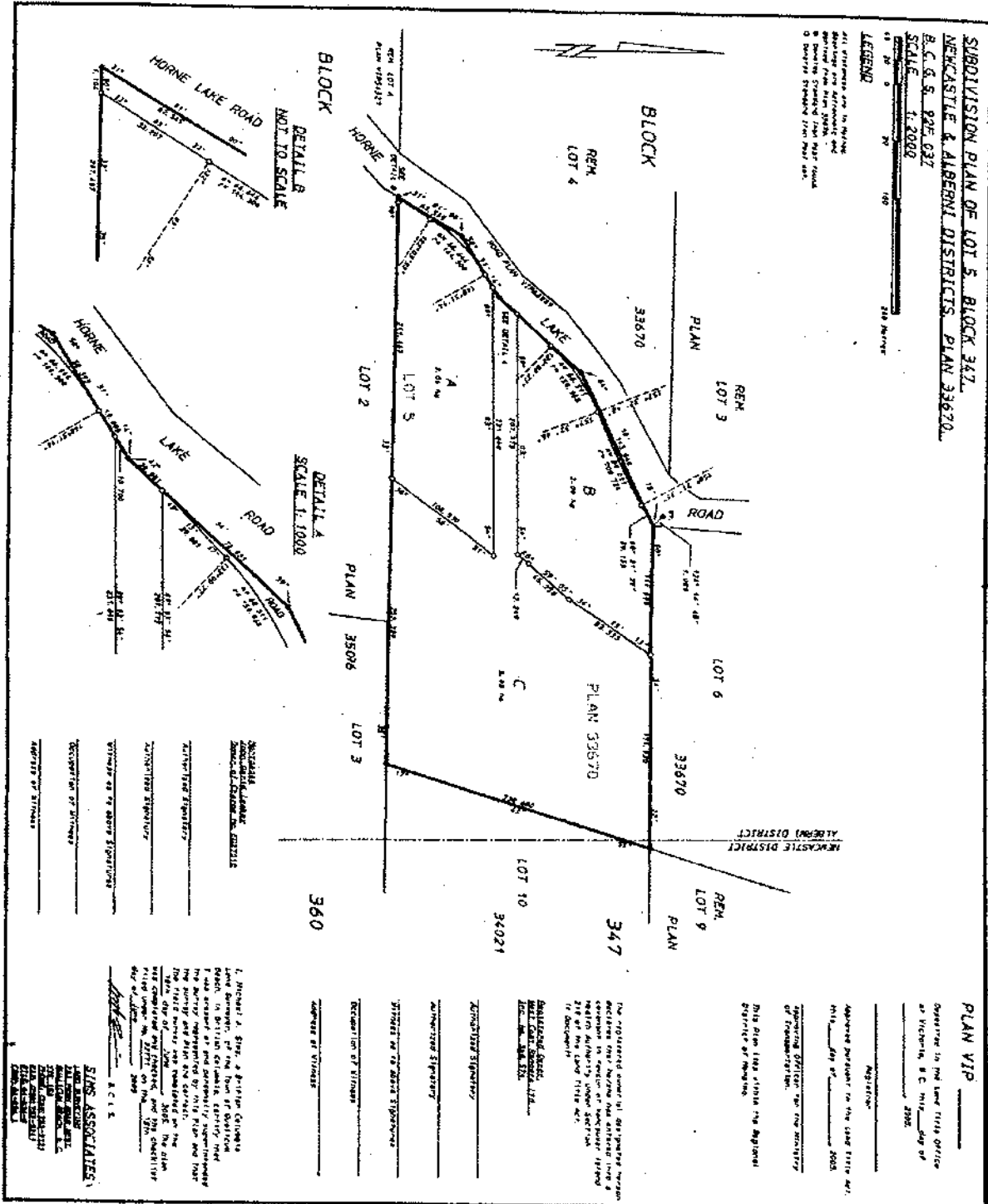
devsvs/reports/2005/ZA3360 30 0402 jn brd West Coast Rangers adopt

Schedule No. 1
Conditions for Approval for
Zoning Amendment Application No. ZA0402
Amendment Bylaw Nos. 500.302

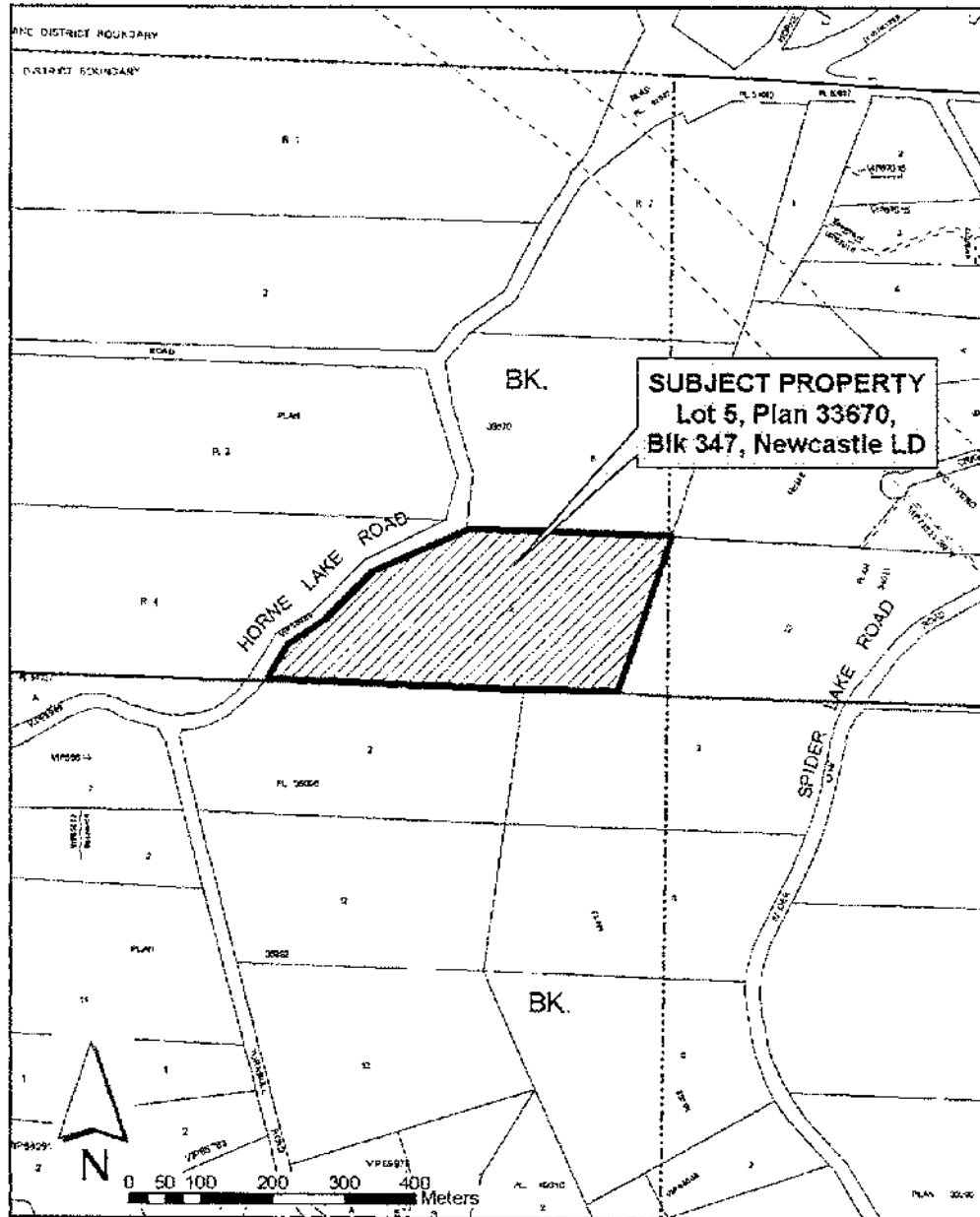
The following conditions are to be completed/secured prior to consideration of Amendment Bylaw No. 500.302 for final reading:

1. The registration of the following section 219 covenants. All covenants are to be prepared and registered by the applicant to the satisfaction of the Regional District.
 - a. For the two proposed 2 ha lots (A & B); a section 219 covenant shall be registered restricting:
 - i) One dwelling unit per parcel;
 - ii) No further subdivision of the land under the *Strata Property Act*;
 - iii) No frontage relaxation; and
 - iv) No further road dedication to accommodate parcel frontage or additional parcels.
 - b. For all the proposed parcels, a section 219 covenant shall be registered concerning the geotechnical report prepared by Bob Davey on March 3, 2004.
 - c. For the proposed 4 ha lot (C); a section 219 covenant shall be registered restricting no further subdivision or subdivision pursuant to the *Strata Property Act*.
 - d. For all proposed parcels, a section 219 shall be registered concerning the hydrogeological assessment prepared by EBA Engineering Consultants Ltd. on August 31, 2004.
 - e. Apply for a development permit pursuant to the Environmentally Sensitive Features Development Permit Area Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003

Schedule No. 2
 ZA0402
 Proposed Plan of Subdivision
 (as submitted by applicant)
 (reduced for convenience)



Attachment No. 1
Location of Subject Property
ZA0302



BCOS Map Sheet No. 92F 037 4 2



REGIONAL DISTRICT OF NANAIMO		
CHAIR	GM Cms	
CAO	GM ES	
DA CCD	MCF	
JUN 16 2005		
Bed.		

MEMORANDUM

TO: Wayne Moorman
Manager, Engineering & Subdivisions

DATE: June 14, 2005

FROM: Susan Cormie
Senior Planner

FILE: 336030 0418

SUBJECT: Bylaw Amendment Bylaw No. 500.312 – Fern Road Consulting, on behalf of Brookwater Homes Inc.
Electoral Area 'H' – MacPherson Road, Spider Lake Area

PURPOSE

To consider Bylaw 500.312 for adoption.

BACKGROUND

Bylaw No. 500.312, 2005 was introduced and given 1st and 2nd reading on February 22, 2005. This was followed by a Public Hearing held on March 17, 2005. The Board granted 3rd reading for the bylaw on March 22, 2005.

The purpose of this amendment bylaw is to rezone the property legally described as Lot 5, Block 390, Newcastle District, Plan 39504 and located adjacent to MacPherson and Spider Lake Roads in the Spider Lake area of Electoral Area 'H' to a Rural 1 (RU1) zone Subdivision District 'D' (2.0 ha minimum parcel size without community services) to facilitate the creation of a 3-lot subdivision of the parent parcel consisting of 1 parcel with a minimum parcel size of 4.0 ha and 2 parcels with a minimum parcel size of 2.0 ha (*see Schedule No. 2 for proposed plan of subdivision*).

The proposed amendment application includes the relaxation of the minimum 10% perimeter frontage requirement for Proposed Lot 3 to 2.0% (20.47 metres) of the total. Ministry of Transportation staff has no issue with the reduced frontage and there will be suitable buildable site areas for intended uses.

At 3rd reading of this amendment application, the Conditions for Approval include the preparation of 4 covenants to be registered on title concurrently with the plan of subdivision and applying for a development permit. These conditions, to be completed or secured prior to consideration of 4th reading of the corresponding bylaw, are outlined in *Schedule No. 1*. It is expected that the applicant's solicitor will submitted the final required covenants along with a letter of legal undertaking to register the documents prior to the Board meeting. With respect to the requirement for development permit, the applicant has submitted an application it is anticipated that the development permit will be issued by delegation authority at the time of consideration of adoption of amendment Bylaw No. 500.312.

ALTERNATIVES

1. To adopt Bylaw No. 500.312.
2. To not adopt Bylaw No. 500.312.

VOTING

All Electoral Area Directors - one vote except Electoral Area 'B'.


SUMMARY

"Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.312, 2005" was considered by the Board and given 1st and 2nd reading on February 22, 2005. Subsequent to that, a public hearing was held on March 17, 2005 and the Board granted 3rd reading on March 22, 2005. It is anticipated that the corresponding development permit will be in place prior to the consideration of this bylaw for adoption. The applicant's solicitor is expected to submit the final covenant documents and the letter of legal undertaking to register these documents prior to the Board meeting. As the applicant has completed the conditions of approval, this bylaw may now be considered for adoption.

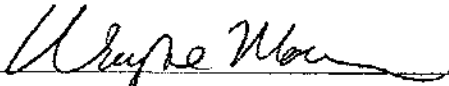
The following recommendation is provided for consideration by the Board.

RECOMMENDATION

That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.312, 2005", be adopted.




Report Writer



Manager Concurrence



Deputy Administrator Concurrence



CAO Concurrence

COMMENTS:

devsvs/reports/2005/ZA3360 30 0418 jn brd Brookwater adopt

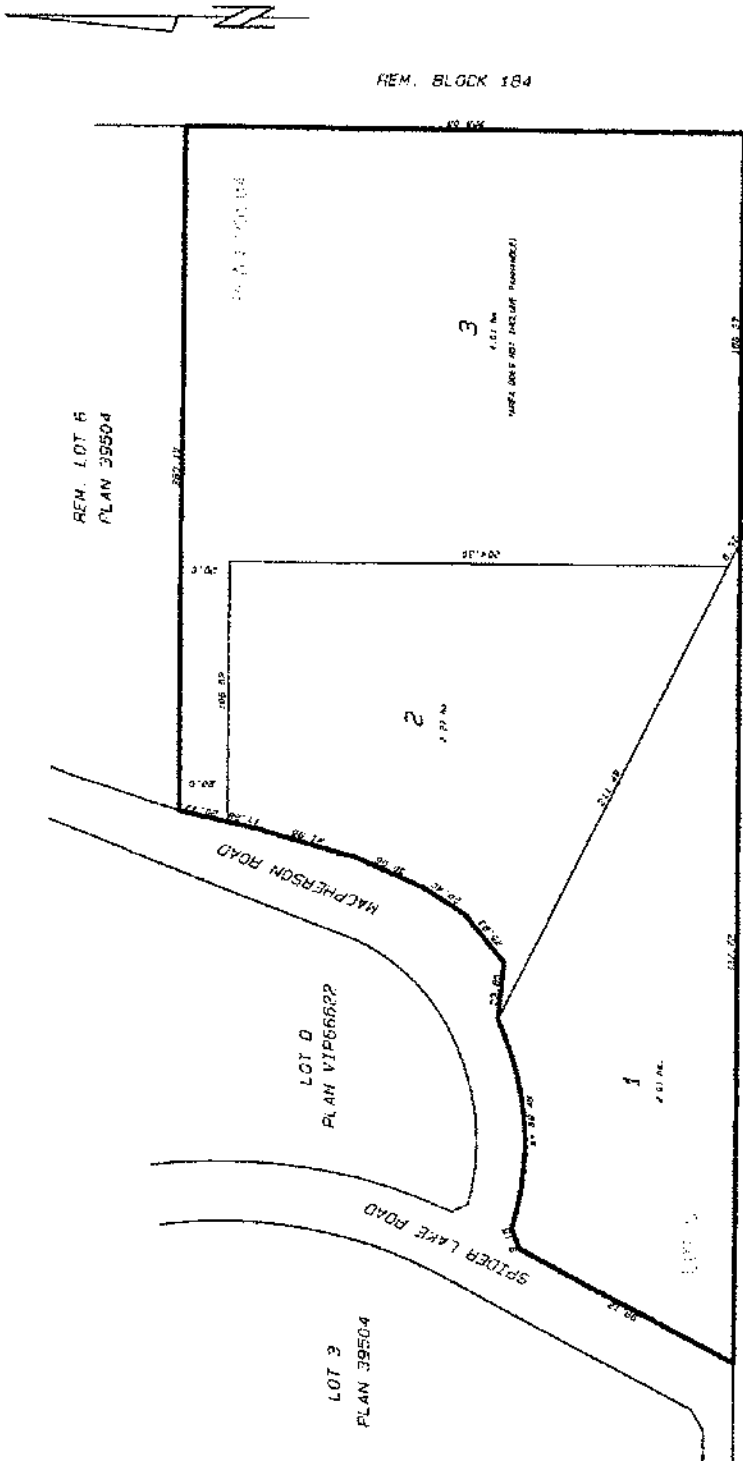
Schedule No. 1
Conditions for Approval for
Zoning Amendment Application No. ZA0418
Amendment Bylaw No. 500.312
Lot 5, Block 390, Newcastle District, Plan 39504

The applicants are to provide the following documentation prior to the amendment applications being considered for 4th reading:

All covenants are to be prepared and registered by the applicants to the satisfaction of the Regional District. Draft covenant documents are to be forwarded to the RDN for review prior to consideration of 4th reading. Applicants' solicitors are to submit letters undertaking to register these covenants at the Land Title Office concurrently with the Plans of Subdivision.

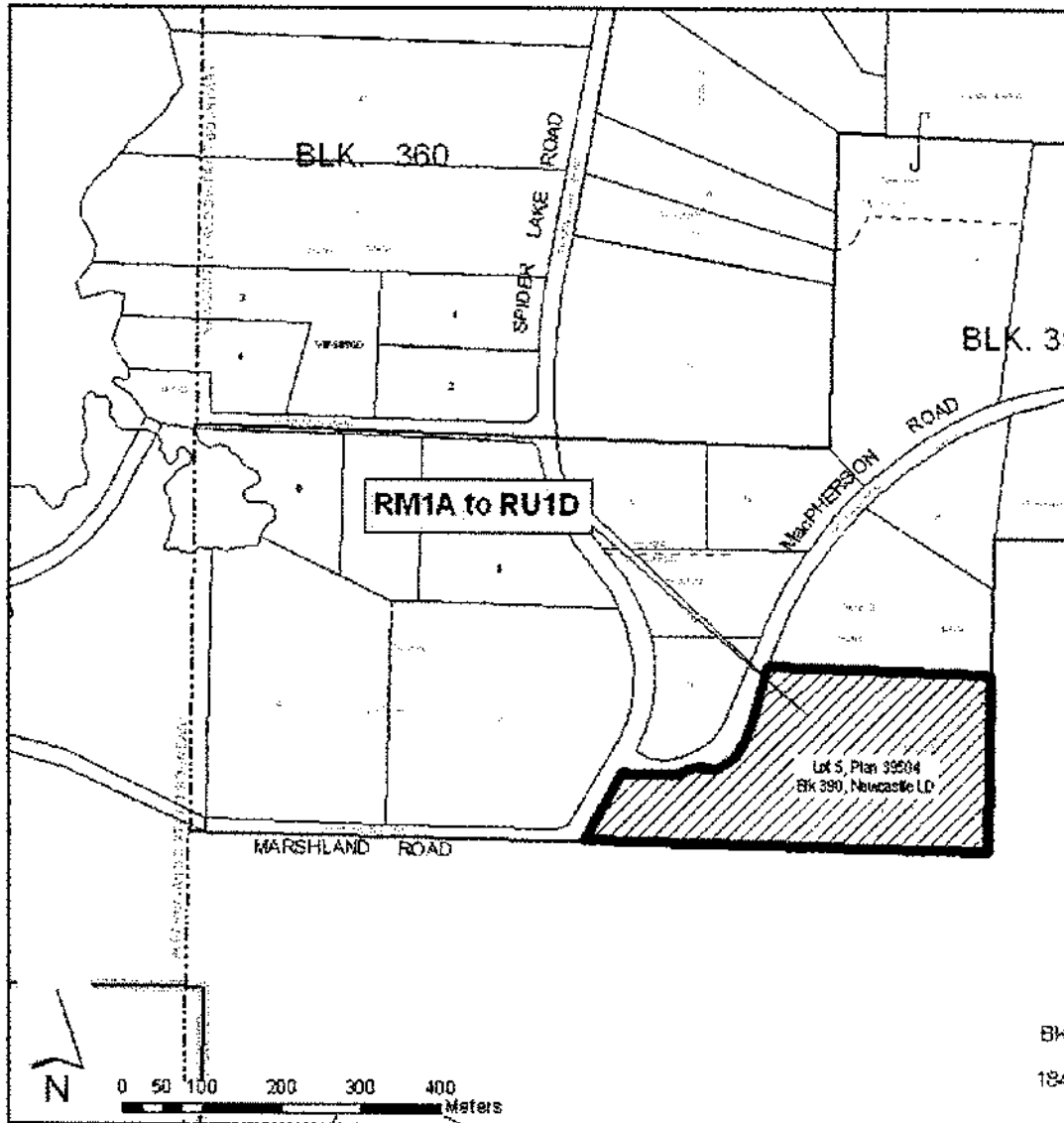
- a) For the proposed 2 ha sized parcels, a section 219 covenant shall be registered on title restricting the following:
 - i) a maximum of one dwelling unit per parcel;
 - ii) no further subdivision of the land, including a Bare Land Strata Subdivision;
 - iii) no frontage relaxation; and,
 - iv) no further road dedication to accommodate parcel frontage or additional parcels.
- b) For the proposed 4 ha sized parcels, a section 219 covenant shall be registered on title restricting the following:
 - i) no further subdivision of the land, including a Bare Land Strata Subdivision, or subdivision pursuant to the *Strata Property Act*.
- c) For all proposed parcels, a section 219 covenant shall be registered to include the report prepared by Davey Consulting and Engineering for Lot 5, Block 390, Newcastle District, Plan 39504, dated November 12, 2004.
- d) For all proposed parcels, a section 219 covenant shall be registered to include the Hydrogeological Assessment Report prepared by EBA Engineering for Lot 5, Block 390, Newcastle District, Plan 39504, dated December 3, 2004.
- e) Applicant to apply for a development permit.

Schedule No. 2
 Proposed Plan of Subdivision
 Zoning Amendment Application No. ZA0418
 Amendment Bylaw No. 500.312
 Lot 5, Block 390, Newcastle District, Plan 39504
 (as submitted by applicant / reduced for convenience)



<p>STMS ASSOCIATES 222 WEST 10TH AVE. SUITE 200 VANCOUVER, B.C. V6C 2M8 TEL: 604-681-1111 FAX: 604-681-1112</p>	<p>DATE: 2004/11/17</p>	<p>SCALE: 1:1250 ALL DISTANCES ARE IN METERS ALL DIMENSIONS AND AREAS ARE SUBJECT TO FINAL SURVEY</p>	<p>PROPOSED SUBDIVISION PLAN OF LOT 5, BLOCK 390, NEWCASTLE DISTRICT, PLAN 39504</p>
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Attachment No. 1
Location of Subject Property
ZA0418



BCGS Map Sheet No. 92F 037 2 4



REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO		GM ES	
DA CCD		MoF	
JUN 16 2005			

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Services

DATE: June 14, 2005

FROM: Keeva Kehler
Planner

FILE: 3360 30 0511

SUBJECT: Bylaw Amendment Bylaw 500.320, 2005 – Amendment to minimum parcel size for lots created pursuant to section 946 of the *Local Government Act*.
Electoral Areas 'A', 'C', 'D', 'E', 'G' & 'H'

PURPOSE

To consider Bylaw No. 500.320, 2005 for 3rd reading.

BACKGROUND

Bylaw No. 500.320, 2005 was introduced and given 1st and 2nd reading on May 24, 2005. The Board waived the requirement to hold a Public Hearing for the Amendment Bylaw and notice of the intent to adopt was placed in the June 22nd and June 24th, 2005 editions of the *Harbour City Star* and the *Oceanside Star*.

The purpose of this amendment bylaw is to amend Part 4.4.1 of the Subdivision Regulations of “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” by increasing the minimum parcel size for subdivision pursuant to section 946 of the *Local Government Act* (subdivision to provide a residence for a relative) from a minimum parcel size of 2500 m² to a minimum parcel size of 1.0 ha. All other provisions of this section will remain unchanged, specifically, the requirement that the remainder of the parcel proposed to be subdivided must meet the minimum parcel size pursuant to Schedules ‘4A’ and ‘4B’ of the Bylaw.

Historically, the RDN relied on the Vancouver Island Health Authority (VIHA) to ensure that the minimum parcel size of lots created pursuant to section 946 of the Local Government Act was at least 1.0 ha, where the proposed parcel is serviced by individual well and septic system. In light of the amendments to provincial legislation governing sewerage regulations, it is uncertain whether the RDN can continue to rely on VIHA to ensure that the minimum size of these parcels is at least 1.0 ha. For this reason, it is proposed to amend the Subdivision Regulations to clarify the RDN’s position on the size of parcels created for a relative.

ALTERNATIVES

1. To give 3rd reading to “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.320, 2005.”
2. To deny “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.320, 2005.”

INTERGOVERNMENTAL IMPLICATIONS

Ministry of Transportation – Should the Board give 3rd Reading to Amendment Bylaw No. 500.320, 2005, the Bylaw will be referred to the Ministry of Transportation for its approval.

PUBLIC CONSULTATION IMPLICATIONS

Notice of the intent to adopt the Amendment Bylaw was placed in two consecutive editions of the local newspapers that are distributed to all affected areas of the RDN. In addition, a copy of the notice was placed on the RDN website. Comments received as a result of this notification will be circulated to the Board on June 28, 2005.

VOTING


Electoral Area Directors - one vote, except Electoral Area 'B'.

SUMMARY

The purpose of Bylaw No. 500.320, 2005 is to increase the minimum parcel size for all new parcels created pursuant to section 946 of the *Local Government Act* from 2500 m² to a minimum size of 1.0 ha. Staff recommends that Bylaw No. 500.320 be considered for 3rd reading. Recent changes to provincial health regulations with respect to sewerage systems have prompted a review of the RDN's minimum parcel sizes for lots that are not proposed to be serviced by a community water and community sewer system. The proposed amendments are a result of changes to provincial legislation affecting the regulation of sewerage systems on residential properties.

RECOMMENDATIONS

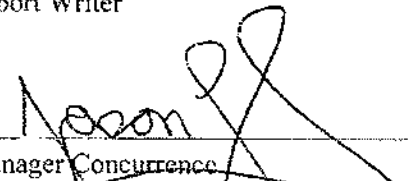
1. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.320, 2005" be given 3rd reading.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.320, 2005" be forwarded to the Ministry of Transportation for its approval.



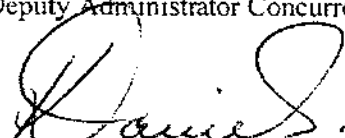
Report Writer



Deputy Administrator Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS

devsr/reports/2005/ZA0511 Jun brd 3rd



**REGIONAL
DISTRICT
OF NANAIMO**

REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO		GM ES	
DA CCD		MoF	
JUN 16 2005			
<i>Bed.</i>			

MEMORANDUM

TO: Wayne Moorman, P. Eng.
Manager, Engineering & Subdivisions

DATE: June 16, 2005

FROM: Susan Cormie
Senior Planner

FILE: 3360 30 0416

SUBJECT: Amendment Bylaw No. 500.309, 2005 – Williamson & Associates, BCLS, on behalf of Sanway Inc.
Electoral Area 'E' – Claudet Road

PURPOSE

To receive the Report of the Public Hearing containing the Summary of the Minutes and Submissions of the Public Hearing held on Monday, June 13, 2005, and further, to consider Bylaw No. 500.309, 2005 for 3rd reading.

BACKGROUND

Bylaw No. 500.309, 2004 was introduced and given 1st and 2nd reading on May 24, 2005. This was followed by a Public Hearing held on June 13, 2005. The summary of the minutes and submissions is attached for the Board's consideration (*see Attachment No. 2*).

The purpose of this amendment bylaw is to rezone the parcel legally described as Lot B, District Lot 84, Nanoose District, Plan VIP53591 and located adjacent to Claudet Road in Electoral Area 'E' (*see Attachment No. 1 for location of subject property*) from Resource Management 3 Subdivision District 'B' (RM3B) (8.0 ha minimum parcel size) to Claudet Road Rural Comprehensive Development Zone 26 (CD26) in order to facilitate the creation of two rural parcels with a maximum residential density of 1 dwelling unit per parcel with an average overall parcel size of 4.0 hectares derived from the size of the parent parcel, 1 parcel for park land purposes (to be transferred to the RDN), and 1 parcel for community water utility purposes (to be transferred to the RDN).

The applicant is in concurrence to meet a number of conditions of development, which are to be secured or completed prior to consideration of adoption of the bylaw. These conditions are outlined in Schedule No. 1 of this report.

Lot 2 is proposed to have a frontage of approximately 35.0 metres or 3.3% of the total perimeter frontage requirement. Therefore, as the minimum 10% perimeter frontage requirement cannot be met pursuant to section 944 of the *Local Government Act*, relaxation of this statutory provision is required. The frontage of proposed Lot 2 is affected by the location of the existing community water utility. Despite the reduced frontage, due to the size of the proposed parcel, buildable site areas will be available to support the intended residential / rural uses.

ALTERNATIVES

1. To receive the Report of the Public Hearing, give 3rd reading to "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.309, 2005".
2. To receive the Report of the Public Hearing and deny "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.309, 2005".

INTERGOVERNMENTAL IMPLICATIONS

Referrals were sent to the Ministry of Transportation, the Vancouver Island Health Authority, and the Nanoose Bay Volunteer Fire Department.

Comments received include:

Ministry of Transportation – Ministry staff has indicated that the Ministry has no concerns with respect to the zoning amendment application, but notes that this is not to indicate approval of the corresponding subdivision application.

Central Vancouver Island Health Authority (CVIHA) – Health Authority staff supports the application.

Local Fire Chief – The Engineering & Subdivisions Department, in consideration of fire safety issues, has been referring applications for rezoning or OCP amendments to local fire departments. The Fire Chief has verbally indicated that the Fire Department has no issues with this proposal.

PUBLIC CONSULTATION IMPLICATIONS

The proceedings are outlined in the Summary of the Minutes and Submissions of the Public Hearing attached to this report (*see Attachment No. 2*). As a result of the comments received at the Public Hearing, the applicant is in concurrence to provide a section 219 covenant adjacent to the rear lot line of Proposed Lot 2 restricting the removal of vegetation within 8.0 metres of the property line, which coincides with the minimum building setback requirement. This condition has been added as Item No. 7 in Schedule No. 1.

VOTING


Electoral Area Directors - one vote, except Electoral Area 'B'.

SUMMARY


The purpose of Bylaw No. 500.309, 2005 is to rezone Lot B, District Lot 84, Nanoose District, Plan VIP53591, located adjacent to Claudet Road in Electoral Area 'E' to facilitate the creation of two rural parcels with a maximum residential density of 1 dwelling unit per parcel with an average overall parcel size of 4.0 hectares derived from the size of the parent parcel, 1 parcel for park land purposes (to be transferred to the RDN), and 1 parcel for community water utility purposes (to be transferred to the RDN). It is noted that the application includes a request for relaxation of the minimum 10% perimeter frontage requirement for Proposed Lot 2. Frontage is limited due to the location of existing RDN community water works. The bylaw was introduced and given 1st and 2nd reading on May 24, 2005 and preceded to Public Hearing on June 13, 2005. The requirements set out in the Conditions of Approval (*Schedule No. 1*) are to be secured and/or completed by the applicant prior to the Board's consideration of the bylaw for adoption. Therefore, staff recommends that Bylaw No. 500.309 be considered for 3rd reading.

RECOMMENDATIONS

1. That the Report of Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held on June 13, 2005 as a result of public notification "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.309, 2005" be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.309, 2005" be given 3rd reading.
3. That the conditions as outlined in Schedule No. 1 be secured and/or completed by the applicant to the satisfaction of the Regional District prior to consideration of adoption of Bylaw No. 500, 309, 2005.



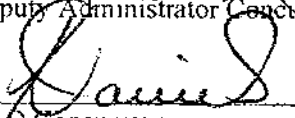
Report Writer



Manager Concurrence



Deputy Administrator Concurrence



CAO Concurrence

COMMENTS:

devsvs/reports/2005/my 3360 30 0416 Sanway/Williamson PH 3rd

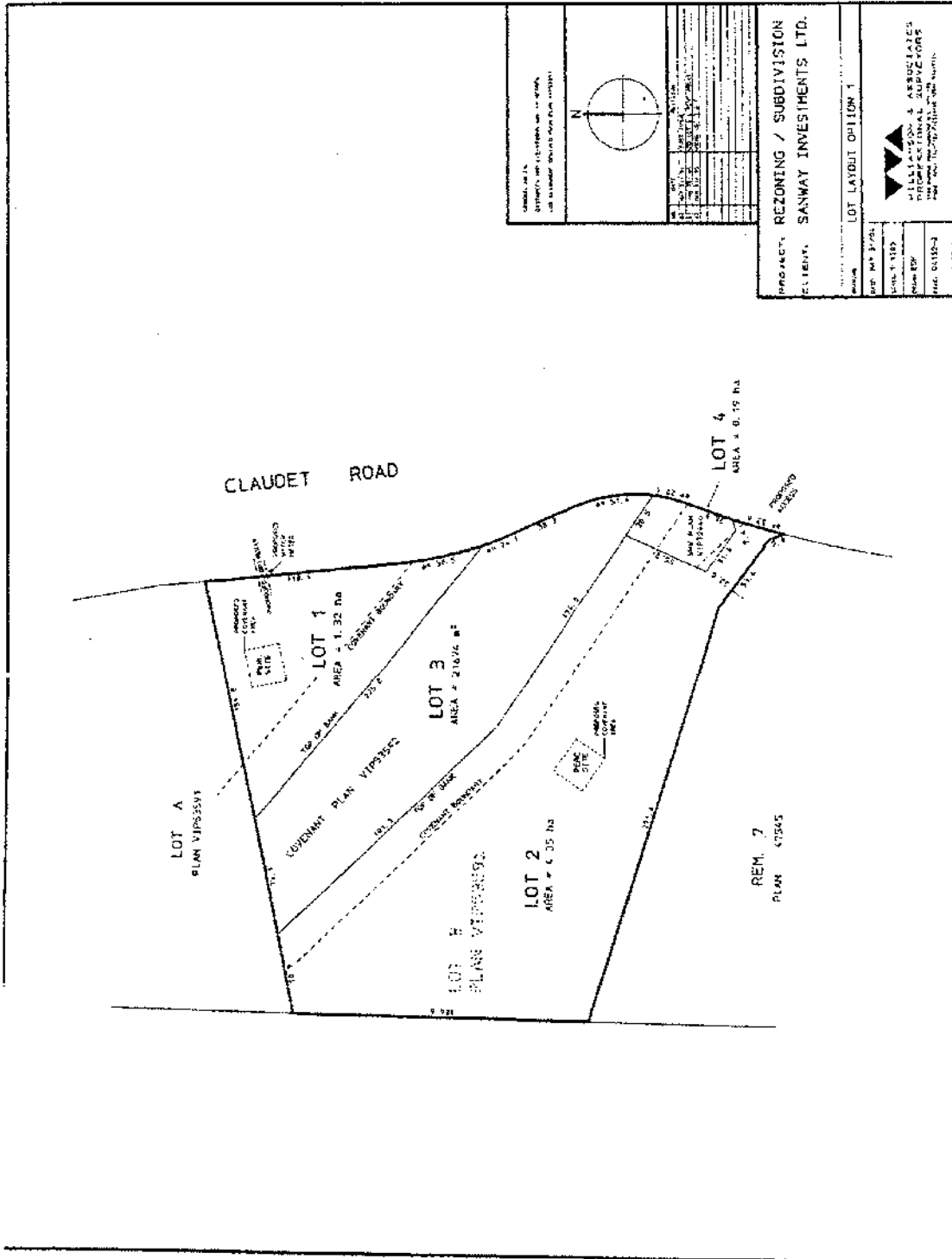
Schedule No. 1
Conditions of Approval in conjunction with
Zoning Amendment Application No. ZA0416
Lot B, District Lot 84, Nanoose District, Plan VIP53591

The applicant is to provide the following documentation prior to the amendment applications being considered for 4th reading:

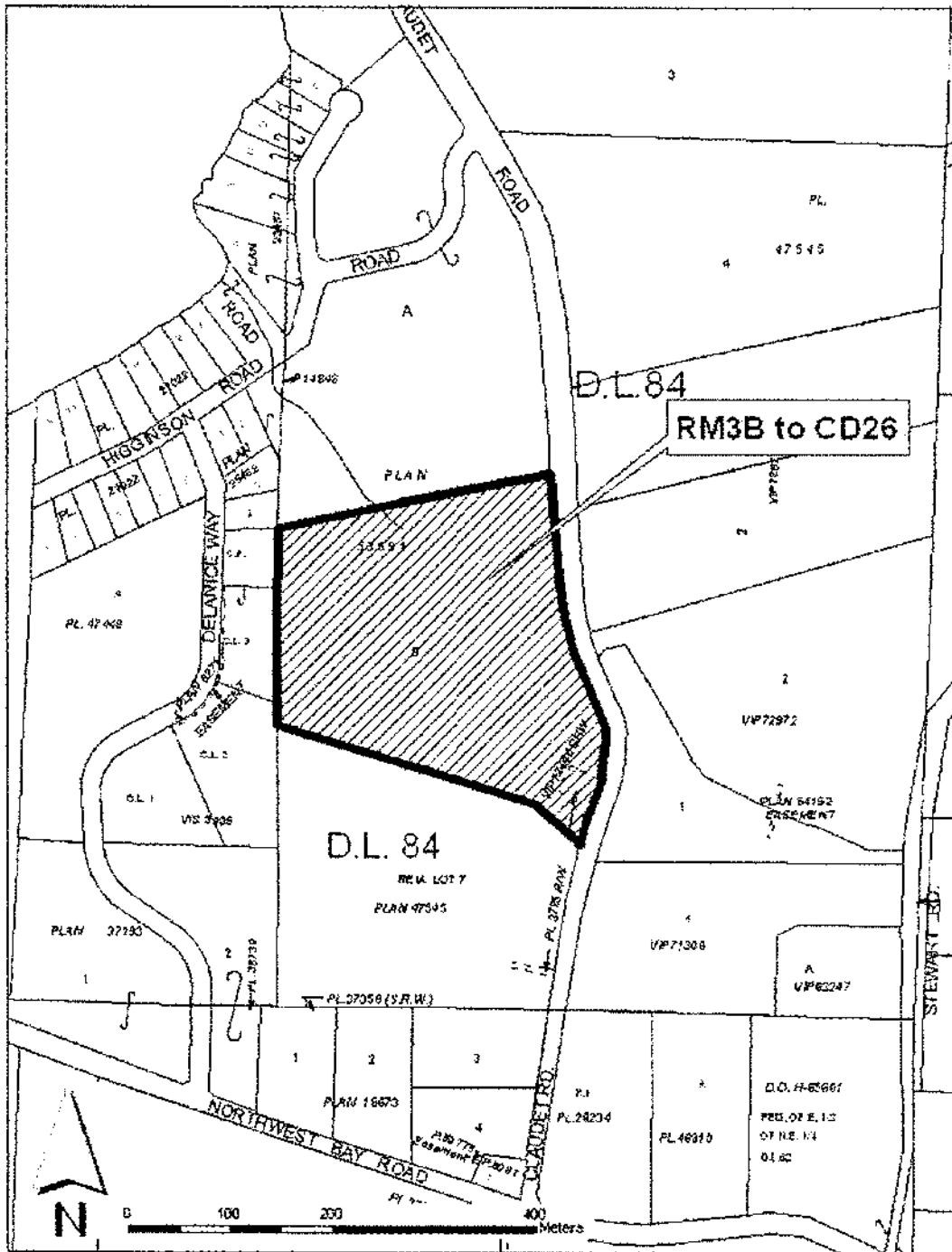
The required covenants are to be prepared and registered by the applicant to the satisfaction of the Regional District. Draft covenant documents are to be forwarded to the RDN for review prior to consideration of 4th reading. Applicant's solicitor is to submit letters undertaking to register these covenants at Land Title Office concurrently with the Plans of Subdivision.

1. A section 219 covenant shall be registered on title of both proposed rural parcels restricting the following:
 - i) A maximum of one dwelling unit per parcel;
 - ii) No bare land strata subdivision; and,
 - iii) No wells.
2. A nuisance covenant shall be registered on proposed Lot 2 with respect to fencing, noise, odour, and all other nuisances associated with the community water infrastructure located on proposed Lot 4.
3. A section 219 covenant shall be registered on title of proposed Lot 1 restricting the placement of building used for housing livestock or storing manure unless the minimum setback requirement can be met or a variance has been granted by the Regional Board of Directors.
4. For both proposed parcels, a section 219 covenant shall be registered to include the report prepared by Lewkowich Geotechnical Engineering Ltd., dated December 1, 2004.
5. With respect to on-site septic disposal, applicant to provide Vancouver Island Health Authority confirmation of approval or if no longer the approving authority, applicant to provide confirmation of approval from an authorized person or professional engineer.
6. Applicant's solicitor to provide a letter undertaking to transfer the proposed park land parcel and public utility parcel to the Regional District of Nanaimo as fee simple parcels concurrently with the plan of subdivision being registered at Land Title Office.
7. A section 219 covenant restricting the removal of vegetation, alteration of land, or the placement of buildings or structures for the area 8.0 metres in width adjacent to the west lot line of proposed Lot 2.

Schedule No. 2
 Proposed Plan of Development ZA0416
 (as submitted by applicant)
 (reduced for convenience)



Attachment No. 1
Location of Subject Property
Amendment Application No. ZA0416



Attachment No. 2

REGIONAL DISTRICT OF NANAIMO

**Report of The Public Hearing
Held at Nanoose Place Multi Purpose 1
2924 Northwest Bay Road, Nanoose Bay, BC
June 13, 2005 at 7:00 pm
To Consider Bylaw No. 500.309, 2005**

**Summary of the Minutes of the Public Hearing on Proposed Zoning Amendment
Application No. ZA0416**

Note that these minutes are not a verbatim recording of the proceedings, but summarize the comments of those in attendance at the Public Hearing.

There were 7 persons in attendance.

Present for the Regional District:

Chairperson George Holme, Director, Electoral Area 'E'
Lou Biggemann, Director, Electoral Area 'F'
Susan Cormie, Senior Planner

The Chairperson called the Hearing to order at 7:00 p.m., introduced those present at the head table, and outlined the procedures to be followed during the Hearing.

The Senior Planner provided an outline of the Bylaw including a summary of the proposal.

The Chairperson called for formal submissions with respect to Bylaw 500.309, 2005.

Tony Scherer, 1900 Delanice Way stated that his only concern is the potential loss of the green belt area, which borders his property and his neighbour's property. Mr. Scherer asked someone could log this portion of the property and build on it. Mr. Scherer also stated that he had no problem with the application, other than there is nothing to prevent someone from removing trees on the property.

The Chairperson called for further submissions for the second time.

The Chairperson called for further submissions a third and final time.

There being no further submissions, the Chairperson adjourned the Hearing at 7:09 pm.

Certified true and accurate this 14th day June 2005.

Susan Cormie
Recording Secretary

Director George Holme
Chairperson, Electoral Area 'E'



REGIONAL DISTRICT OF NANAIMO			
CHAIR		GM Cms	
CAO		GM ES	
DA CCD		McF	
JUN 16 2005			
<i>Bed</i>			

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

DATE: June 14, 2005

FROM: Brigid Reynolds
Senior Planner

FILE: 3360 20 0503

SUBJECT: Amendment Bylaw No. 500.314, 2005
Murray Hamilton, on behalf of Owners of Strata Plan VIS5160
Electoral Area 'H' – Horne Lake Caves Road

PURPOSE

To receive the Report of the Public Hearing containing the Summary of the Minutes and Submissions of the Public Hearing held on Tuesday, June 7, 2005, and further, to consider Bylaw No. 500.314, 2005 for 3rd reading.

BACKGROUND

Bylaw No. 500.314, 2005 was introduced and given 1st and 2nd reading on April 26, 2005. This was followed by a Public Hearing held on June 7, 2005. The summary of the minutes and submissions is attached for the Board's consideration (*see Attachments No. 2 and 3*).

The purpose of the amendment bylaw is as follows:

1. To amend the Comprehensive Development 9 (CD9) and Water 4 (WA4) zones to permit a boat ramp.
2. To amend the CD9 zone to permit one unenclosed water tower with a maximum height of 3.0 m and maximum floor area of 6.0 m² and to permit one wood storage structure with a maximum height of 3.0 m and a maximum floor area of 6.0 m² for each recreational residential lot.
3. To amend the CD9 zone to permit a 'lower loft'.

In addition, there are a number of housekeeping amendments to the CD9 zone proposed by staff, including correcting typing errors, improving the readability of the document, and formatting changes. The properties affected by this zoning amendment application include Strata Lots 1 to 400, District Lot 250, Alberni District, Plan VIS5160, as well as the surface of Horne Lake.

The applicant is in concurrence to meet the conditions of development, two of which have been met and the remaining are to be secured or completed prior to consideration of adoption of the bylaw. These conditions are outlined in Schedule No. 1 of this report.

ALTERNATIVES

1. To receive the Report of the Public Hearing and give 3rd reading to "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.314, 2005."
2. To receive the Report of the Public Hearing and deny "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.314, 2005."

INTERGOVERNMENTAL IMPLICATIONS

Referrals were sent to Public Works Canada, Qualicum First Nation, Federal Fisheries and Oceans, BC Parks, Ministry of Transportation, Vancouver Island Health Authority, and Terasen Gas. Ministry of Transportation stated that a valid access permit is required for any proposed boat ramp that will connect to a public road. No other responses were received.

PUBLIC CONSULTATION IMPLICATIONS

The Public Hearing held on June 7, 2005 was for three applications. No comments were received regarding Amendment Bylaw No. 500.314. The Summary of the Minutes and Submissions of the Public Hearing are outlined in Attachment No. 2.

VOTING

Electoral Area Directors - one vote, except Electoral Area 'B'.

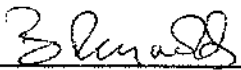
SUMMARY

The purpose of Bylaw No. 500.314, 2005 is to amend the Comprehensive Development 9 (CD9) zone for Strata Lots 1 to 400, District Lot 251, Alberni District, Plan VIS5160 and to amend the Water 4 (WA4) zone for the surface of Horne Lake. The subject properties are located adjacent to Horne Lake in Electoral Area 'H'. The purpose of the amendment bylaw is to permit a boat ramp, one water storage structure and one wood storage structure for each recreational residential lot, a 'lower loft', and to undertake some minor housekeeping amendments to the CD9 zone for the bare land strata properties around Horne Lake.

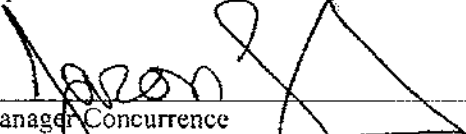
The bylaw was introduced and given 1st and 2nd reading on April 26, 2005 and proceeded to Public Hearing on June 7, 2005. The requirements set out in the Conditions of Approval are to be secured and/or completed by the applicant prior to the Board's consideration of the bylaw for adoption. Therefore, staff recommends that Bylaw No. 500.314, 2005 be considered for 3rd reading.

RECOMMENDATIONS

1. That the Report of Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held on June 7, 2005 as a result of public notification of "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.314, 2005" be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.314, 2005" be given 3rd reading.
3. That the conditions, as outlined in Schedule No. 1, be secured and/or completed by the applicant to the satisfaction of the Regional District of Nanaimo prior to consideration of adoption of Bylaw No. 500, 314, 2005.



Report Writer

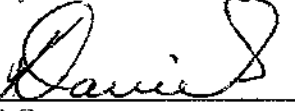


Manager Concurrence

COMMENTS:
devsvs/reports/2005/3360 30 0503 Murray in brd ph 3rd



Deputy Administrator Concurrence

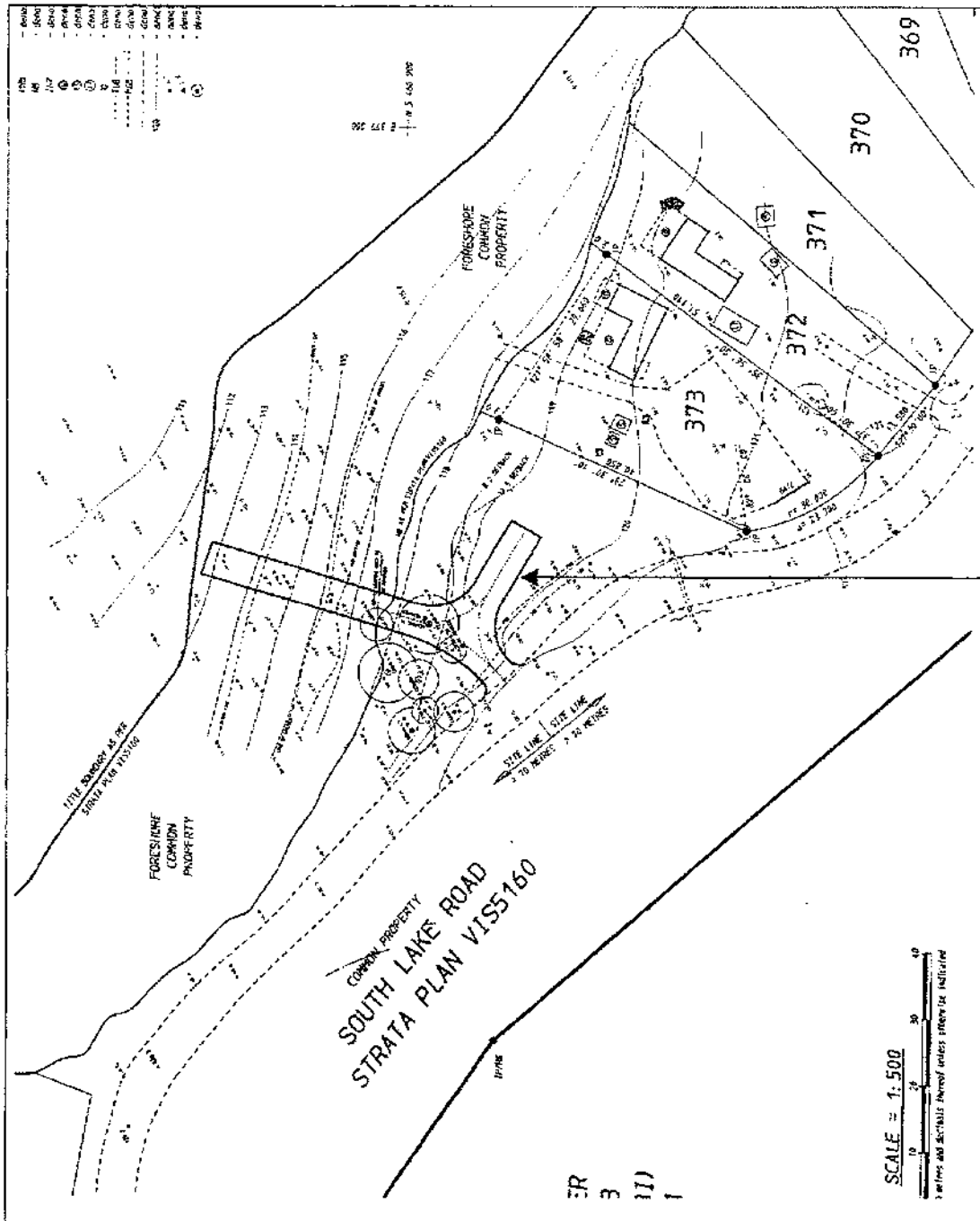


CAO Concurrence

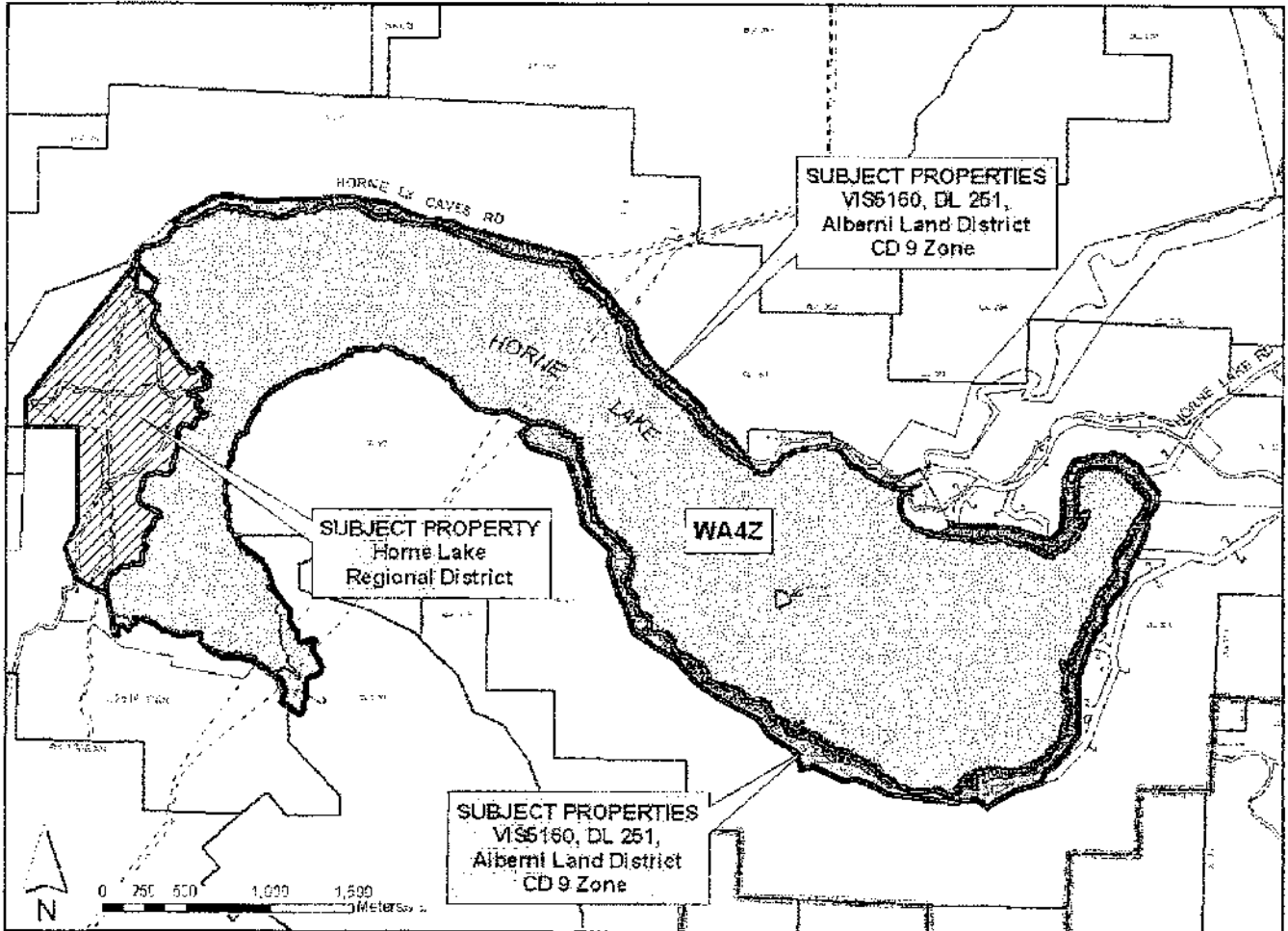
Schedule No. 1
Conditions of Approval
Zoning Amendment Application No. ZA0503
VIS5160, District Lot 251, Alberni District
Horne Lake

- A. The following conditions are to be completed prior to Amendment Bylaw No. 500.314 proceeding to public hearing:
1. Detailed typical engineered design drawings prepared by a professional engineer for the proposed boat ramp including cross section and plan view drawings.
 2. Confirmation of proposed signage (size and materials) advising that no parking is permitted, PEP emergency contact numbers, no refueling of boats is permitted, as well as the proposed location of said signage.
- B. The following conditions are to be completed prior to Amendment Bylaw No. 500.314, 2005 being considered for final reading:
1. A section 9 permit pursuant to the *Water Act* issued by Land and Water BC or MWLAP granting permission to install the boat ramp.
 2. Approval from Transport Canada pursuant to *Navigable Waters Protection Act* to install the boat ramp.
 3. Approval comments from Federal Fisheries and Oceans.
 4. Landscaping to compensate for the removal of riparian vegetation shall be undertaken in consultation with MWLAP and DFO.
 5. Applicant to enter into a development permit to include, at a minimum, the following requirements:
 - a. Sediment and erosion control measures must be utilized to control sediment during construction and land clearing works, to ensure water entering the work site will be pumped out, and to stabilize the site after construction is complete. These measure must include:
 - i. The work sites on either side of the creek must be isolated as all works must be conducted in the dry.
 - ii. Pumps with fish screens must be on hand.
 - iii. Exposed soils must be seeded as soon as possible to reduce erosion during rain events.
 - iv. Tarps, sand bags, poly plastic sheeting, and/or filter fabric are required to be on site.
 - v. It is the applicants' responsibility to have and utilize all appropriate sediment and erosion control materials on site for use during and after construction to ensure sediments do not enter the watercourse.
 - b. Any excavated materials must be placed upland such that there is no potential for reintroduction into Horne Lake.
 - c. A spill kit should be on-site to prevent the introduction of any fuels in the event of a spill. If a spill occurs, the Provincial Emergency Program must be contacted.
 - d. Concrete poured on site must be fully contained in forms. Concrete, concrete fines, concrete wash, concrete dust or other concrete materials are not permitted to enter any watercourse as these concrete materials are extremely toxic to fish and other fresh water and marine organisms when uncured. It is your responsibility to ensure that materials necessary to ensure that concrete materials are contained and prohibited from entering the watercourse will be on site for use during and after construction.
 - e. Clean water flow must always be maintained downstream of the work site to ensure the protection of fish habitat.
 - f. Machinery should be in good working condition and no fuels, lubricants or construction wastes are permitted to enter Horne Lake. Refueling of machinery is to be conducted more than 25 metres from Horne Lake.

Schedule No. 2
Proposed Boat Launch Location
Zoning Amendment Application No. ZA0503
VISS160, District Lot 251, Alberni District
Horne Lake



Attachment No. 1
Location of Subject Properties



Attachment No. 2

REGIONAL DISTRICT OF NANAIMO

REPORT OF THE PUBLIC HEARING HELD TUESDAY JUNE 7, 2005
AT 7:00 PM AT LIGHTHOUSE COMMUNITY CENTRE,
240 LIONS WAY, QUALICUM BAY, BC
TO CONSIDER REGIONAL DISTRICT OF NANAIMO BYLAW AMENDMENT
BYLAWS NO. 500.314, 500.318, and 500.319, 2005

SUMMARY OF THE MINUTES AND SUBMISSIONS

Note that these minutes are not a verbatim recording of the proceedings, but are intended to summarize the comments of those in attendance at the Public Hearing.

Present for the Regional District of Nanaimo:

Dave Bartram	Chair, Director, Electoral Area 'H'
Brigid Reynolds	Senior Planner
Joan Michel	Trails Coordinator

There were 7 people in attendance at the Public Hearing.

The **Chair**, Director Bartram opened the meeting at 7:05 pm and introduced those attending the meeting from the RDN.

The **Chair** stated the purpose of the Public Hearing and requested that staff explain the bylaws that were the subject of the Public Hearing.

The **Senior Planner** provided a description of the bylaws.

The **Chair** outlined the public hearing procedures and invited submissions from the audience with respect to the proposed bylaws.

Richard Varela, 1617 Bird Avenue, Comox, asked to speak to Bylaw No. 500.318.

Mr. Varela stated he has been the campground operator and the operator of the adjacent BC Park, Hornic Lake Caves Park. He noted that camping and recreational access is important for Hornic Lake Regional Park (HLRP) but the educational component is also an important part. He stated that they have 1800 students booked for May and June.

He stated that the definition of permitted uses for 'Outdoor Recreation' includes a zip-line but this is only part of a high ropes course that includes ladders, aerial walkways, and a zip-line. He asked whether 'zip-line' could be amended to state 'high ropes course'.

He noted that the definition of 'tourist store' is too limited and that to operate the outdoor education program they need to provide food to the participants. Caterers provide food now but it is expensive. He stated they need something like a communal kitchen approximately 50m² in size to prepare food.

He also asked whether the 'visitor centre' could include a covered eating area as now this is done in tents. He also said that the 'tourist store' definition is limited to 20m² and that area is too small to sell anything other than camping amenities. He would like to see the floor area increased to 60m² to include an area for shelving and display units.

The **Chair** asked if there were any other comments or submissions.

The **Chair** asked for a second time if there were any other comments or submissions.

The **Chair** asked for a third time if there were any other comments or submissions.

Hearing none, the Chair thanked those in attendance and announced that the public hearing was closed. The Chair indicated that the Board of the Regional District would consider Bylaws No. 500.314, 500.318, and 500.319 at their Regular Board meeting to be held Tuesday, June 28, 2005 at the new Regional District Board chambers at 6300 Hammond Bay Road in Nanaimo.

The meeting concluded at 7:30 pm.

Brigid Reynolds
Recording Secretary

Attachment No. 3

Public Hearing Submission

Island Pacific Adventures Ltd.

Box 3531 Stn. Main Courtenay, B.C. V9N 6Z8
(250) 339-0555 ph. or fax

Horne Lake Caves Provincial Park / Teepee Adventure Camp

June 3, 2005

Brigid Reynolds- Senior Planner
Joan Michel - Parks & Rec.
Regional District of Nanaimo

RE: Zoning Amendment Application No. 0507 - RDN Recreation and Parks Department
Electoral Area 'H' - Horne Lake Regional Park

Dear Brigid,

Following a telephone conversation with Joan Michel on June 3rd, 2005, I am writing to comment and give input on the amendments for Bylaw 500 with respect to Horne Lake Regional Park zoning.

I have been a strong supporter of this Park and have a keen interest in seeing this Park realize it's potential as the finest educational / recreation facility in the Regional District. To that end, I am considering ways to provide the necessary capital to finance the much needed infrastructure improvements and future amenities in keeping with the park's vision. It is important to the success of this plan that there be a viable and ongoing revenue stream to provide the necessary finances.

3.4.124.1 Permitted Uses

b) Outdoor Wilderness Recreation - definition should include high ropes course instead of just zip-line. The high ropes course definition would then include zip-line, aerial walkways, ladders, etc.

3.4.124.2 Permitted Accessory Uses

3.4.124.3 Maximum Number and Size of Buildings and Structures

e) Tourist Store - needs to have floor space increased to 60sq. m. This store should be able to meet the needs of campers and park visitors but should also look toward providing services and benefit to the cabin owners as well. Basic staples such as milk, bread, frozen goods, refreshments, snacks, camping / fishing supplies and souvenirs.

Another important inclusion would be to provide a food preparation area / kitchen which could be used to provide a communal facility for use by groups, caterers or staff. It makes sense that this kitchen also have the ability to prepare and serve food for park visitors as well i.e. snack bar or restaurant. So a communal kitchen in the area of 50 sq. m. would be adequate.

In addition, a covered area or Longhouse for groups (up to 100) to eat meals or congregate should be included. It should have at a minimum half walls that can be screened or glass on the top half, include built-in BBQ, and be able to support lighting and a washroom facility. Floor area should be at least 150 sq. m.

f) "zip-line" excluded from 8 m. height restriction should read "high ropes course"

3.4.124.4 Minimum Setbacks Requirements

- b) All other buildings, structures, camp sites, campground services (internal roads, parking, water, and waste disposal systems)
 - i) All lot lines 8.0 m
 - ii) Horne Lake 30.0 m natural boundary
 - iii) Quaticum River 30.0 m natural boundary
 - iv) Internal access roads 3.0 m

I thought that the setback for the lake was only 15 m for the lake shore.

3.4.124.8 Other Regulations

"Outdoor Wilderness Recreation" means a recreational activity undertaken where the outdoor setting and natural landscape is a significant element in the activity, where there is no significant alteration of the land, where there is no hydro service, and the density of recreational users is not a significant element and includes obstacle course, zip-line HIGH ROPES course, orienteering, horse boarding and trail rides, trails, day use recreation.

"Tourist accommodation" means a one-storey building with a heat source and with no provision for cooking, sanitation or permanent residential occupancy.

"Tourist Store" means a detached accessory building or portion of an accessory building that sells supplies and pre-packaged dry goods catering to park users and specifically prohibits the preparation of food.

Thank you for the opportunity to provide comment. As stated previously, these are the changes and amendments that should be considered if the RDN wants to have a viable operation at this Park. Please contact me if you wish to discuss.

Sincerely,

Richard Varela – Program Director
Island Pacific Adventures Ltd.
(250) 339-0555

CC to: Dave Bartram – Area "H" Director



REGIONAL DISTRICT OF NANAIMO		
CHAIR	GM Cms	
CAO	GM ES	
DA CCD	MoF	
JUN 16 2005		
<i>Brd.</i>		

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

DATE: June 14, 2005

FROM: Brigid Reynolds
Senior Planner

FILE: 3360 20 0507

SUBJECT: Amendment Bylaw No. 500.318, 2005
RDN Recreation and Parks Department
Electoral Area 'II' – Horne Lake Regional Park

PURPOSE

To receive the Report of the Public Hearing containing the Summary of the Minutes and Submissions of the Public Hearing held on Tuesday, June 7, 2005, and further, to consider Bylaw No. 500.318, 2005 for 3rd reading.

BACKGROUND

Bylaw No. 500.318, 2005 was introduced and given 1st and 2nd reading on April 26, 2005. This was followed by a Public Hearing held on June 7, 2005. The summary of the minutes and submissions is attached for the Board's consideration (*see Attachments No. 2 and 3*).

The current uses at Horne Lake Regional Park include a 60-site campground, day-use area and related facilities, boat launch, trails, programmed recreation area, as well as limited retail and rental services. Special events and group camping are also undertaken at the park. The existing camping and day-use facilities are basic but they are in good shape. The main recreational facilities include the park operator's house, various accessory buildings, information kiosks, trails, roads, parking lots, ten vault toilets (one of which is sited on the DFO parcel), two water pumps, a gazebo, and a boat ramp.

The proposed zoning amendment includes the following:

- increase the number of individual campsites from 60 to 125;
- expand the group camping to permit a maximum of 75 camping parties in three group camping areas;
- permit 10 tourist accommodation units no greater than 35m² per unit;
- permit public assembly use as a primary use and visitor centre as an accessory use; and,
- permit boat and swimming docks and a wharf.

A number of conditions of development are required to be secured or completed prior to consideration of adoption of the bylaw. These conditions are outlined in Schedule No. 1 of this report. The management agreement between the RDN and the Park Operator will incorporate these conditions, as well as servicing standards.

ALTERNATIVES

1. To receive the Report of the Public Hearing and give 3rd reading to "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.318, 2005."
2. To receive the Report of the Public Hearing and deny "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.318, 2005."

INTERGOVERNMENTAL IMPLICATIONS

Referrals were sent to Public Works Canada, Qualicum First Nation, Federal Fisheries and Oceans, BC Parks, Ministry of Transportation, Vancouver Island Health Authority, and Terasen Gas. Ministry of Transportation stated that a valid access permit is required for any proposed boat ramp that will connect to a public road. Vancouver Island Health Authority suggested the following: that for the servicing requirements outlined in Amendment Bylaw No. 500.318 the applicable Provincial Regulation be identified. In addition, VIHA stated that where horses are being kept there should be a closed surface drainage area to ensure nutrient loading to the lake does not occur, as this is a source of drinking water. VIHA also stated that for the 10 tourist accommodation units that there be no running water.

These issues will be addressed as follows: The Management Agreement between the Park Operator and the RDN will state that all the servicing is required to meet Provincial regulations and that the keeping of horses shall be carried out in such a way that no nutrients shall be introduced into Home Lake as a result of this use. The 10 tourist accommodation units are not proposed to be serviced.

PUBLIC CONSULTATION IMPLICATIONS

The Public Hearing held on June 7, 2005 was for three applications. The Summary of the Minutes and Submissions of the Public Hearing are outlined in Attachment Nos. 2 and 3.

VOTING

Electoral Area Directors - one vote, except Electoral Area 'B'.

SUMMARY

This is an application to rezone the Home Lake Regional Park property from Resource Management 1 (RM1) zone to a Comprehensive Development zone for the purposes of expanding the current campground use to include wilderness campground, outdoor wilderness recreation use, tourist accommodation, day use recreation, group camping and public assembly and accessory uses and to amend the Water 4 (WA4) zone to permit a wharf and swimming and boating docks. This application is also proposed to amend the land use covenant registered on the title of the property by including a revised definition of 'Regional Park' than what is currently in the covenant.

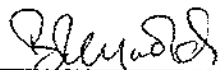
The proposed amendment bylaw would permit a maximum of 125 campsites and three group camping areas including the Adventure Camp (the group camping is proposed to accommodate a maximum of 75 camping parties) and would permit 10 tourist accommodation units no greater than 35m² per unit.

The park operator will be responsible for undertaking the development in consultation with the RDN. Development is proposed to take place over the term of a 20 to 25 year period and the development actions will be detailed in an operating agreement between the RDN and the private operator.

The bylaw was introduced and given 1st and 2nd reading on April 26, 2005 and proceeded to Public Hearing on June 7, 2005. The requirements set out in the Conditions of Approval are to be secured and/or completed by the applicant prior to the Board's consideration of the bylaw for adoption. Therefore, staff recommends that Bylaw No. 500.318, 2005 be considered for 3rd reading.

RECOMMENDATIONS


1. That the Report of Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held on June 7, 2005 as a result of public notification of "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.318, 2005" be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.318, 2005" be given 3rd reading.
3. That the conditions, as outlined in Schedule No. 1, be secured and/or completed by the applicant to the satisfaction of the Regional District of Nanaimo prior to consideration of adoption of Bylaw No. 500, 318, 2005.



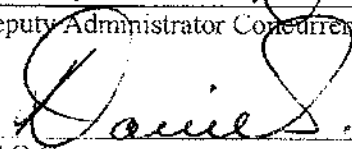
Report Writer



Deputy Administrator Concurrence



Manager Concurrence



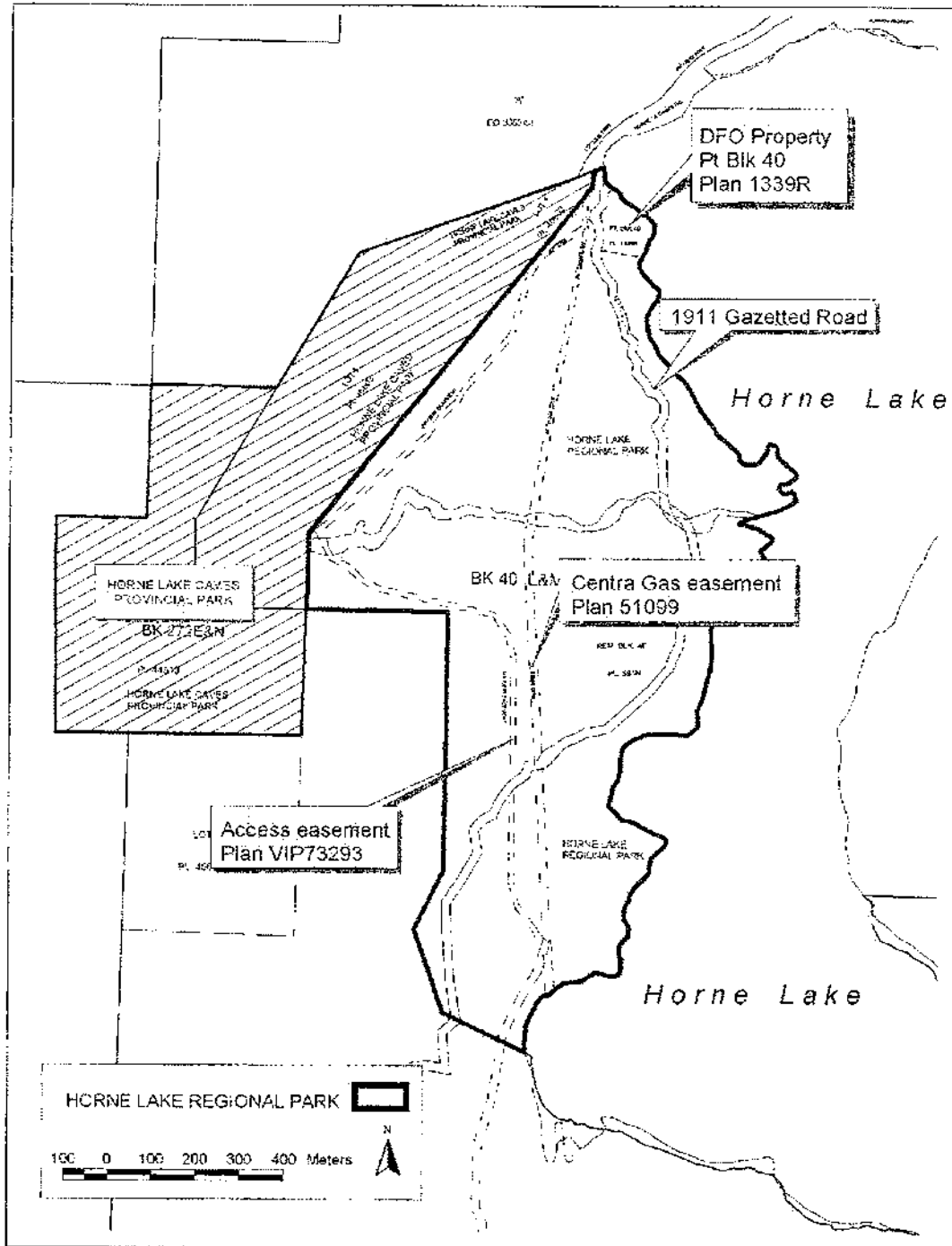
CAO Concurrence

COMMENTS:
desvs/reports/2005/243360 30 0507 HLRP jn brd ph 3rd

Schedule No. 1
Conditions of Approval
Zoning Amendment Application No. 0507

1. The RDN shall enter into a management agreement with the park operator that shall include but is not limited to the following:
 - a. No public assembly use, visitor centre or tourist accommodation units shall be established until all Building Code requirements can be met.
 - b. No wharves or docks shall be established until all infrastructure has been established and approvals from MWLAP, DFO, and Navigable Waters have been provided.
 - c. Any land alteration proposed within 15 m of the natural boundary of Horne Lake or 30 m of the top of bank of the Qualicum River shall require a development permit.
 - d. The provision of potable water and any washroom facilities shall meet Provincial Health Regulations.
 - e. No development or land alteration shall occur on lands not owned by the RDN or lands that are encumbered without permission of the land owner and/or chargeholder.
 - f. No habitable space or space used for the storage of goods that could be damageable by flood waters shall be below 121.7 m GSC.
2. The Recreation and Parks Department staff shall draft the management agreement between the RDN and the park operator in consultation with Development Services staff.
3. Final approval of the amendment bylaw shall occur after amendment of the Land Use covenant that defines 'Regional Park' registered on the title of Block 40, Alberni District, Plan 691N, except that part thereof shown outlined in red on Plan 1339R and except that part in Plan 46603.

Attachment No. 1
Subject Property



Attachment No. 2

REGIONAL DISTRICT OF NANAIMO

**REPORT OF THE PUBLIC HEARING HELD TUESDAY JUNE 7, 2005
AT 7:00 PM AT LIGHTHOUSE COMMUNITY CENTRE,
240 LIONS WAY, QUALICUM BAY, BC
TO CONSIDER REGIONAL DISTRICT OF NANAIMO BYLAW AMENDMENT
BYLAWS NO. 500.314, 500.318, and 500.319, 2005**

SUMMARY OF THE MINUTES AND SUBMISSIONS

Note that these minutes are not a verbatim recording of the proceedings, but are intended to summarize the comments of those in attendance at the Public Hearing.

Present for the Regional District of Nanaimo:

Dave Bartram	Chair, Director, Electoral Area 'H'
Brigid Reynolds	Senior Planner
Joan Michel	Trails Coordinator

There were 7 people in attendance at the Public Hearing.

The **Chair**, Director Bartram opened the meeting at 7:05 pm, and introduced those attending the meeting from the RDN.

The **Chair** stated the purpose of the Public Hearing and requested that staff explain the bylaws that was the subject of the Public Hearing.

The **Senior Planner** provided a description of the Bylaw.

The **Chair** outlined the public hearing procedures and invited submissions from the audience with respect to the proposed bylaws.

Richard Varela, 1617 Bird Avenue, Comox, asked to speak to Bylaw No. 500.318.

Mr. Varela stated he has been the campground operator and the operator of the adjacent BC Park, Horne Lake Caves Park. He noted that camping and recreational access is important for Horne Lake Regional Park (HLRP) but the educational component is also an important part. He stated that they have 1800 students booked for May and June.

He stated that the definition of permitted uses for 'Outdoor Recreation' includes a zip-line but this is only part of a high ropes course that includes ladders, aerial walkways, and a zip-line. He asked whether 'zip-line' could be amended to state 'high ropes course'.

He noted that the definition of 'tourist store' is too limited and that to operate the outdoor education program they need to provide food to the participants. Caterers provide food now but it is expensive. He stated they need something like a communal kitchen approximately 50m² in size to prepare food.

He also asked whether the 'visitor centre' could include a covered eating area as now this is done in tents. He also said that the 'tourist store' definition is limited to 20m² and that area is too small to sell anything other than camping amenities. He would like to see the floor area increased to 60m² to include an area for shelving and display units.

The **Chair** asked if there were any other comments or submissions.

The **Chair** asked for a second time if there were any other comments or submissions.

The **Chair** asked for a third time if there were any other comments or submissions.

Hearing none, the Chair thanked those in attendance and announced that the Public Hearing was closed. The Chair indicated that the Board of the Regional District would consider Bylaws No. 500.314, 500.318, and 500.319 at their Regular Board meeting to be held Tuesday, June 28, 2005 at the new Regional District Board chambers at 6300 Hammond Bay Road in Nanaimo.

The meeting concluded at 7:30 pm.

Brigid Reynolds
Recording Secretary

**Attachment No. 3
Submission from the Public Hearing**

Island Pacific Adventures Ltd.

Box 3531 Stn. Main Courtenay, B.C. V9N 6Z8
(250) 339-0555 ph. or fax

Horne Lake Caves Provincial Park / Teepee Adventure Camp

June 3, 2005

Brigid Reynolds- Senior Planner
Joan Michel - Parks & Rec.
Regional District of Nanaimo

RE: Zoning Amendment Application No. 0507 - RDN Recreation and Parks Department
Electoral Area 'H' - Horne Lake Regional Park

Dear Brigid,

Following a telephone conversation with Joan Michel on June 3rd, 2005, I am writing to comment and give input on the amendments for Bylaw 500 with respect to Horne Lake Regional Park zoning.

I have been a strong supporter of this Park and have a keen interest in seeing this Park realize it's potential as the finest educational / recreation facility in the Regional District. To that end, I am considering ways to provide the necessary capital to finance the much needed infrastructure improvements and future amenities in keeping with the park's vision. It is important to the success of this plan that there be a viable and ongoing revenue stream to provide the necessary finances.

3.4.124.1 Permitted Uses

b) Outdoor Wilderness Recreation -- definition should include high ropes course instead of just zip-line. The high ropes course definition would then include zip-line, aerial walkways, ladders, etc.

3.4.124.2 Permitted Accessory Uses

3.4.124.3 Maximum Number and Size of Buildings and Structures

c) Tourist Store - needs to have floor space increased to 60sq. m. This store should be able to meet the needs of campers and park visitors but should also look toward providing services and benefit to the cabin owners as well. Basic staples such as milk, bread, frozen goods, refreshments, snacks, camping / fishing supplies and souvenirs.

Another important inclusion would be to provide a food preparation area / kitchen which could be used to provide a communal facility for use by groups, caterers or staff. It makes sense that this kitchen also have the ability to prepare and serve food for park visitors as well i.e. snack bar or restaurant. So a communal kitchen in the area of 50 sq. m. would be adequate.

In addition, a covered area or Longhouse for groups (up to 100) to eat meals or congregate should be included. It should have at a minimum half walls that can be screened or glass on the top half, include built-in BBQ, and be able to support lighting and a washroom facility. Floor area should be at least 160 sq. m.

f) "zip-line" excluded from 8 m. height restriction should read "high ropes course"

3.4.124.4 Minimum Setbacks Requirements

- b) All other buildings, structures, camp sites, campground services (internal roads, parking, water, and waste disposal systems);
 - i) All lot lines 8.0 m
 - ii) Horne Lake 30.0 m natural boundary
 - iii) Qualicum River 30.0 m natural boundary
 - iv) Internal access roads 3.0 m

I thought that the setback for the lake was only 15 m for the lake shore.

3.4.124.8 Other Regulations

"Outdoor Wilderness Recreation" means a recreational activity undertaken where the outdoor setting and natural landscape is a significant element in the activity, where there is no significant alteration of the land, where there is no hydro service, and the density of recreational users is not a significant element and includes obstacle course, zip-line HIGH ROPES course, orienteering, horse boarding and trail rides, trails, day use recreation.

"Tourist accommodation" means a one-storey building with a heat source and with no provision for cooking, sanitation or permanent residential occupancy.

"Tourist Store" means a detached accessory building or portion of an accessory building that sells supplies and pre-packaged dry goods catering to park users and specifically prohibits the preparation of food.

Thank you for the opportunity to provide comment. As stated previously, these are the changes and amendments that should be considered if the RDN wants to have a viable operation at this Park. Please contact me if you wish to discuss

Sincerely,

Richard Varela – Program Director
Island Pacific Adventures Ltd.
(250) 339-0555

CC to: Dave Bartram – Area "H" Director

INTERGOVERNMENTAL IMPLICATIONS

Referrals were sent to Public Works Canada, Qualicum First Nation, Federal Fisheries and Oceans, BC Parks, Ministry of Transportation, Vancouver Island Health Authority, and Terasen Gas. Ministry of Transportation staff has indicated that the Ministry does not have any objections to this application. This amendment bylaw will be subject to the approval of the Ministry pursuant the *Transportation Act*.

Federal Fisheries and Oceans and Federal Public Works staff has indicated they do not have any objections to this application.

PUBLIC CONSULTATION IMPLICATIONS

The Public Hearing held on June 7, 2005 was for three applications. No comments were received regarding Amendment Bylaw No. 500.319. The Summary of the Minutes and Submissions of the Public Hearing are outlined in Attachment No. 2.

VOTING

Electoral Area Directors - one vote, except Electoral Area 'B'.

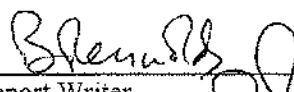
SUMMARY

This is a zoning amendment application to amend the zoning from Resource Management 1 'A' subdivision district (RM1/A) to Public Use 5 'Z' subdivision district (PU5/Z) for the federally owned lands adjacent to the Qualicum River. The Official Community Plan designates these lands as Park Lands, therefore the zoning amendment is intended to make the zoning consistent with the OCP.

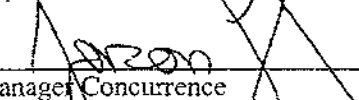
The bylaw was introduced and given 1st and 2nd reading on April 26, 2005 and proceeded to Public Hearing on June 7, 2005. As the proposed amendment is consistent with the OCP and there are no conditions to fulfill, staff recommends that Bylaw No. 500.319, 2005 be considered for 3rd reading.

RECOMMENDATIONS

1. That the Report of Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held on June 7, 2005 as a result of public notification of "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.319, 2005" be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.319, 2005" be given 3rd reading and referred to the Ministry of Transportation for approval prior to consideration of adoption.



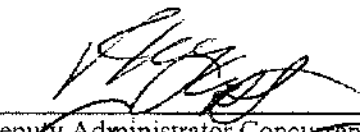
Report Writer



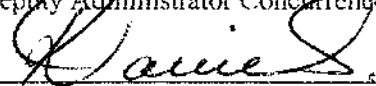
Manager Concurrence

COMMENTS:

devsrs/reports/2005/3366 30 0508Qualicum river jn brd ph 3rd

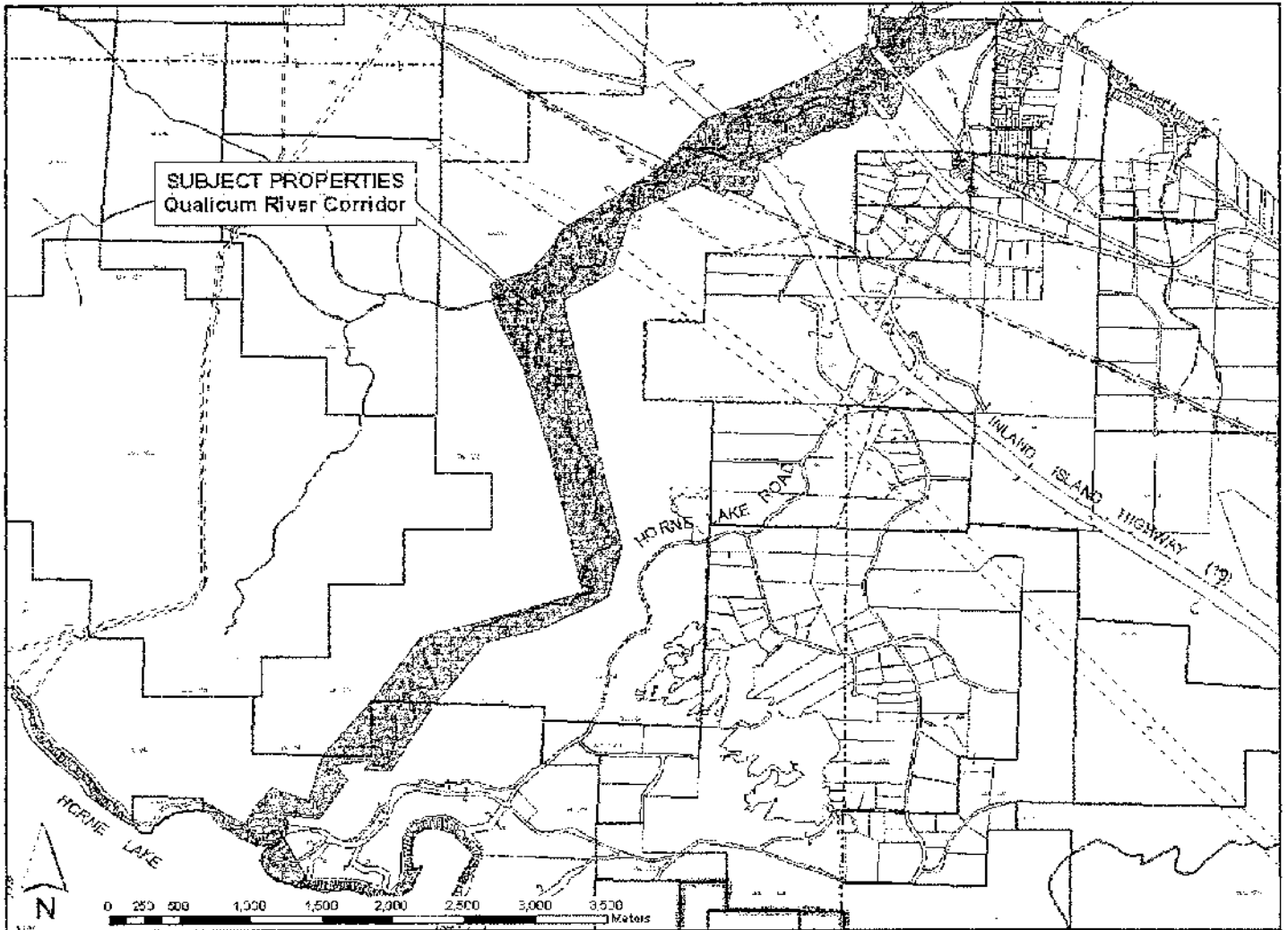


Deputy Administrator Concurrence



CAO Concurrence

Attachment No. 1
Location of Subject Properties



Attachment No. 2

REGIONAL DISTRICT OF NANAIMO

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7:00 PM AT LIGHTHOUSE COMMUNITY CENTRE,
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TO CONSIDER REGIONAL DISTRICT OF NANAIMO BYLAW AMENDMENT BYLAW NOS.
500.314, 500.318, and 500.319, 2005

SUMMARY OF THE MINUTES AND SUBMISSIONS

Note that these minutes are not a verbatim recording of the proceedings, but are intended to summarize the comments of those in attendance at the Public Hearing.

Present for the Regional District of Nanaimo:

Dave Bartram	Chair, Director, Electoral Area 'II'
Brigid Reynolds	Senior Planner
Joan Michel	Trails Coordinator

There were 7 people in attendance at the Public Hearing.

The **Chair**, Director Bartram opened the meeting at 7:05 pm, and introduced those attending the meeting from the RDN.

The **Chair** stated the purpose of the Public Hearing and requested that staff explain the bylaws that were the subject of the Public Hearing.

The **Senior Planner** provided a description of the bylaws.

The **Chair** outlined the public hearing procedures and invited submissions from the audience with respect to the proposed bylaws.

Richard Varela, 1617 Bird Avenue, Comox, asked to speak to Bylaw No. 500.318.

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The meeting concluded at 7:30 pm.

Brigid Reynolds
Recording Secretary

Attachment No. 3

Public Hearing Submission

Island Pacific Adventures Ltd.

Box 3531 Stn. Main Courtenay, B.C. V9N 6Z8

(250) 339-0555 ph. or fax

Horne Lake Caves Provincial Park / Teepee Adventure Camp

June 3, 2005

Brigid Reynolds- Senior Planner
Joan Michel – Parks & Rec.
Regional District of Nanaimo

RE: Zoning Amendment Application No. 0507 - RDN Recreation and Parks Department
Electoral Area 'H' – Horne Lake Regional Park

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Sincerely,

Richard Varela – Program Director
Island Pacific Adventures Ltd.
(250) 339-0555

CC to: Dave Bartram -- Area "H" Director

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, JUNE 14, 2005, AT 6:00 PM
IN THE RDN BOARD CHAMBERS**

Present:

Director E. Hamilton	Chairperson
Director H. Kreiberg	Electoral Area A
Alternate	
Director B. Jepson	Electoral Area D
Director G. Holme	Electoral Area E
Director L. Biggemann	Electoral Area F
Director J. Stanhope	Electoral Area G
Director D. Bartram	Electoral Area H

Also in Attendance:

B. Lapham	Deputy Administrator
J. Llewellyn	Manager of Community Planning
N. Tonn	Recording Secretary

CALL TO ORDER

The Chairperson welcomed Alternate Director Jepson to the meeting.

INTRODUCTION

Introduction of Mr. Gabriel Daluos and Mr. Isaac Amankwah from the Sunyani Municipal Assembly, Ms. Gladys Tetteh, Program Officer for the National Association of Local Authorities of Ghana, and Ms. Edith Gingras, Program Officer for the Federation of Canadian Municipalities.

Director Stanhope introduced and welcomed the visiting delegation to the Electoral Area Planning Committee meeting.

DELEGATIONS

Jerry Bordian & Michael Rosen, re Development Variance Permit Application No. 90514 – Request for Acceptance of Land for Park Land Purposes; & Request for Relaxation of the Minimum 10% Frontage Requirement – Michael Rosen on behalf of Island Creekside Properties LP – off Jingle Pot Road – Area D.

Mr. Bordian and Mr. Rosen thanked the Committee for their support in the opening of the Englishman River Park and presented an overview of the proposed development at Benson Meadows which will include the dedication of 2 parcels for park land and a one acre parcel to be used by the East Wellington Fire Department.

LATE DELEGATIONS

MOVED Director Holme, SECONDED Director Kreiberg, that late delegations be permitted to address the Committee.

CARRIED

Warren Stevenson, re Nanoose Bay Official Community Plan.

Mr. Stevenson, representing Can-Corp Ventures Inc., presented a petition signed by residents in Nanoose Bay who support the inclusion of the properties located on the Island Highway at Northwest Bay Road into the Nanoose Bay OCP under a new Lifestyle Commercial designation, provided a short overview of Can Corp Ventures' application and requested that the amended OCP be referred back to staff for further input.

Hans Zychlinski, re Nanoose Bay Official Community Plan.

Mr. Zychlinski spoke in opposition to the proposed development at the Island Highway and Northwest Bay Road and noted discrepancies in a number of newspaper articles on the subject property.

Karen Pelletier, re Nanoose Bay Official Community Plan.

Ms. Pelletier raised her concerns with respect to the proposed development by Can Corp Ventures Inc. and the impact on residents and small businesses in the area.

MINUTES

MOVED Director Kreiberg, SECONDED Director Stanhope, that the minutes of the Electoral Area Planning Committee meeting held May 10, 2005 be adopted.

CARRIED

COMMUNICATION/CORRESPONDENCE

Angie Romanowski, re Nanoose Bay Official Community Plan.

MOVED Director Holme, SECONDED Director Stanhope, that the correspondence from Angie Romanowski with respect to the Nanoose Bay Official Community Plan be received.

CARRIED

Donna Golding & Don Heppner, re Nanoose Bay Official Community Plan.

MOVED Director Holme, SECONDED Director Stanhope, that the correspondence from Donna Golding and Don Heppner with respect to the Nanoose Bay Official Community Plan be received.

CARRIED

Peter & Ellen Leveille, re Nanoose Bay Official Community Plan.

MOVED Director Holme, SECONDED Director Stanhope, that the correspondence from Peter and Ellen Leveille with respect to the Nanoose Bay Official Community Plan be received.

CARRIED

Terence Bushell, re Nanoose Bay Official Community Plan.

MOVED Director Holme, SECONDED Director Stanhope, that the correspondence from Terence Bushell with respect to the Nanoose Bay Official Community Plan be received.

CARRIED

Mary & John Cowhig, re Nanoose Bay Official Community Plan.

MOVED Director Holme, SECONDED Director Stanhope, that the correspondence from Mary and John Cowhig with respect to the Nanoose Bay Official Community Plan be received.

CARRIED

Clarence Gustavson, re Nanoose Bay Official Community Plan.

MOVED Director Holme, SECONDED Director Stanhope, that the correspondence from Clarence Gustavson with respect to the Nanoose Bay Official Community Plan be received.

CARRIED

Rhys & Terry Harrison, re Nanoose Bay Official Community Plan.

MOVED Director Holme, SECONDED Director Stanhope, that the correspondence from Rhys and Terry Harrison with respect to the Nanoose Bay Official Community Plan be received.

CARRIED

Maurice Bergeron & Robin Fritz, re Nanoose Bay Official Community Plan.

MOVED Director Holme, SECONDED Director Stanhope, that the correspondence from Maurice Bergeron and Robin Fritz with respect to the Nanoose Bay Official Community Plan be received.

CARRIED

J. Maclachlan, re Nanoose Bay Official Community Plan.

MOVED Director Holme, SECONDED Director Stanhope, that the correspondence from J. Maclachlan with respect to the Nanoose Bay Official Community Plan be received.

CARRIED

Morris & Sandy Macklin, re Nanoose Bay Official Community Plan.

MOVED Director Holme, SECONDED Director Stanhope, that the correspondence from Morris and Sandy Macklin with respect to the Nanoose Bay Official Community Plan be received.

CARRIED

M. Laane, re Nanoose Bay Official Community Plan.

MOVED Director Holme, SECONDED Director Stanhope, that the correspondence from M. Laane with respect to the Nanoose Bay Official Community Plan be received.

CARRIED

K.B. Miller, Agricultural Land Commission, re Nanoose Bay Official Community Plan.

MOVED Director Holme, SECONDED Director Stanhope, that the correspondence from the Agricultural Land Commission with respect to the Nanoose Bay Official Community Plan be received.

CARRIED

Diane M. Perison, re Nanoose Bay Official Community Plan.

MOVED Director Holme, SECONDED Director Stanhope, that the correspondence from Diane M. Perison with respect to the Nanoose Bay Official Community Plan be received.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60511 – Yochim – Marshall Road – Area II.

MOVED Director Bartram, SECONDED Director Kreiberg, that Environmentally Sensitive Features Development Permit Application No. 60511 with variances to legalize an existing dwelling unit, to allow the installation of a septic system and pedestrian footbridge and to permit re-vegetation of the riparian area, be approved according to the terms outlined in Schedule No. 1, subject to consideration of the comments received as a result of public notification.

CARRIED

Development Permit Application No. 60517 – Robalta Holdings – Shoreline Drive – Area H.

MOVED Director Bartram, SECONDED Director Biggemann, that Environmentally Sensitive Features (Coastal) Development Permit Application No. 60517 with variance to the minimum setback from the sea from 8.0 metres to 0.0 metres to allow a rip rap erosion protection device and the placement of fill on the Shoreline Drive property be approved, according to the terms outlined in Schedule No. 1, subject to consideration of comments received as a result of public notification.

CARRIED

Development Permit Application No. 60518 – Keith Brown & Associates on behalf of 703262 BC Ltd. – 1922 Schoolhouse Road – Area A.

MOVED Director Kreiberg, SECONDED Director Holme, that Development Permit No. 60518, with variances, for the property located at 1922 Schoolhouse Road to permit the construction of one freestanding sign be approved according to the terms outlined in Schedule No. 1, subject to consideration of comments received as a result of public notification.

CARRIED

Development Permit Application No. 60519 – Lightfoot – 6208 Island Highway West – Area H.

MOVED Director Bartram, SECONDED Director Stanhope, that Development Permit Application No. 60519 to allow for the construction of one single dwelling unit and one accessory building within the Watercourse Protection Development Permit Area be approved according to the terms outlined in Schedule No. 1, subject to consideration of comments received as a result of public notification.

CARRIED

Development Permit Application No. 60520 – Kadyshovich/Carniato – 2281 Widgeon Road – Area H.

MOVED Director Bartram, SECONDED Director Holme, that Development Permit Application No. 60520 for a parcel located at 2281 Widgeon Road, including variances to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”, to legalize an existing non-conforming dwelling and gazebo, and to allow the construction of an addition, be approved according to the terms outlined in Schedule No. 1, subject to consideration of comments received as a result of public notification.

CARRIED

Development Permit Application No. 60521 – Moeng and Tough – 3692 Horns Lake Caves Road – Area H.

MOVED Director Bartram, SECONDED Director Biggemann, that Development Permit Application No. 60521 with variance to permit the construction of one accessory building and one wooden staircase be approved subject to the terms outlined in Schedule No. 1 and consideration of comments received as a result of public notification.

CARRIED

Development Permit Application No. 60522 – Duval/Fern Road – 5487 Deep Bay Road – Area H.

MOVED Director Bartram, SECONDED Director Kreiberg, that Development Permit Application No. 60522 with variances be approved according to the terms outlined in Schedule No. 1, subject to consideration of comments received as a result of public notification.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. 90514 – Request for Acceptance of Land for Park Land Purposes; and Request for Relaxation of the Minimum 10% Frontage Requirement – Michael Rosen on behalf of Island Creekside Properties LP – off Jingle Pot Road – Area D.

MOVED Director Jepson, SECONDED Director Stanhope, that Development Variance Permit Application No. 90514, submitted by Michael Rosen, on behalf of Island Creekside Properties LP, to relax the minimum parcel averaging provision for proposed Lot 46 from 80% to 20% of the required 2.0 parcel size; to relax the minimum 10% perimeter frontage requirement pursuant to section 944 of the *Local Government Act* for proposed Lots 2, 3, 14, 31, 63, 64, 65, 67 and 68; and to accept the offer to transfer to the Regional District, proposed Lots 45 and 59 for park land purposes, be approved subject to the conditions set out in Schedule No. 1 as amended to delete Lot 64 from Item No. 5, and Schedule No. 2, and to the notification requirements pursuant to the *Local Government Act*.

CARRIED

OTHER

Electoral Area ‘E’ Draft Official Community Plan – Bylaw No. 1400.

MOVED Director Holme, SECONDED Director Stanhope,:

1. That the Summary of Proceedings and Submissions to the Public Information Meeting held May 30, 2005 be received.
2. That the draft Nanoose Bay Official Community Plan be received and be amended to include the recommendations contained in the staff report.
3. That “Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005” be given 1st and 2nd reading.
4. That “Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005” has been considered in conjunction with the Regional District of Nanaimo’s Capital Expenditure Plan and Liquid Waste Management Plan and Regional Growth Strategy to ensure consistency between them.
5. That “Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005” proceed to a Public Hearing.
6. That the Public Hearing on “Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005” be delegated to Director Holme or his alternate.

CARRIED

Review of Resource and Forest Land Subdivision Regulations.

MOVED Director Stanhope, SECONDED Director Biggemann, that staff be directed to prepare draft OCP and Zoning amendment bylaws that will amend the minimum parcel sizes as outlined in the staff report and that staff schedule a seminar with Electoral Area Directors prior to the next Board meeting.

MOVED Director Bartram, SECONDED Director Jepson, that this item be tabled until further consultation is provided.

DEFEATED

The question was called on the main motion.

The motion CARRIED

Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285 – Finetuning Project ALR Properties.

MOVED Director Biggemann, SECONDED Director Kreiberg,:

1. That the staff report recommending the introduction of “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.05, 2005” be received.
2. That “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.05, 2005” be introduced and given 1st and 2nd reading and be referred to a Public Hearing.
3. That the holding of the Public Hearing with respect to “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.05, 2005” be delegated to Director Lou Biggemann or Director Joc Stanhope as his alternate.

CARRIED

Electoral Area 'F' – Delegation of Authority for Non-Farm Uses.

MOVED Director Biggemann, SECONDED Director Stanhope,:

1. That the staff report be received for information.
2. That staff be directed to enter into discussion and negotiation with the Agricultural Land Commission with respect to drafting a Delegation Agreement for second dwellings as non-farm uses in the ALR in Electoral Area ‘F’.
3. That staff commence the process for amending the A-1 land use zone of “Regional District of Nanaimo Zoning and Subdivision Bylaw No. 1285, 2002” and proceed to a Public Information Meeting to obtain comments and feedback from the community with respect to the proposed delegation of authority for second dwellings in the ALR in Electoral Area ‘F’.
4. That the Board receive the draft policy guidelines to assist in reviewing ALR applications received for second permanent dwellings in the ALR in Electoral Area ‘F’ as outlined in Schedule No. 1.

CARRIED

Request for Acceptance of Cash in Lieu of Park Land Dedication – Leigh Millan, BCLS, on behalf of D and H Stimpson – Gould Road – Area A.

MOVED Director Kreiberg, SECONDED Director Holme, that the request, submitted by Leigh Millan, BCLS, on behalf of D & H Stimpson, for cash in-lieu-of park land dedication in conjunction with the subdivision of Lot 1, Section 11, Range 1, Cedar District, Plan 21265, Except Part in Plans 42157 & VIP60377, be accepted.

CARRIED

Request for Acceptance of Dedication of Park Land – RG Fuller & Associates, on behalf of Land & Water BC – Alberni Highway – Area F.

MOVED Director Biggemann, SECONDED Director Stanhope, that the request, submitted by RG Fuller & Associates, on behalf of Land & Water BC, for acceptance of an offer to dedicate 4.09 ha of park land and at the time of subdivision, dedicate a further 15.0 metre wide park land strip adjacent to the Alberni Highway in the location as shown on Schedule No. 1, be accepted.

CARRIED

ADJOURNMENT

MOVED Director Holme, SECONDED Director Biggemann, that this meeting terminate.

CARRIED

TIME: 6:58 PM

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE COMMITTEE OF THE WHOLE
MEETING HELD ON TUESDAY, JUNE 14, 2005, AT 7:00 PM
IN THE RDN BOARD CHAMBERS**

Present:

Director J. Stanhope	Chairperson
Director H. Kreiberg	Electoral Area A
Director G. Lund	Electoral Area B
Director E. Hamilton	Electoral Area C
Alternate	
Director B. Jepson	Electoral Area D
Director G. Holme	Electoral Area E
Director L. Biggemann	Electoral Area F
Director D. Barram	Electoral Area H
Alternate	
Director B. Johnston	City of Parksville
Director T. Westbrook	Town of Qualicum Beach
Alternate	
Director B. Dempsey	District of Lantzville
Director L. Sherry	City of Nanaimo
Alternate	
Director D. Brennan	City of Nanaimo
Alternate	
Director D. Tyndall	City of Nanaimo
Director T. Krall	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director L. McNabb	City of Nanaimo

Also in Attendance:

K. Daniels	Chief Administrative Officer
B. Lapham	Deputy Administrator
N. Connelly	General Manager of Community Services
J. Finnie	General Manager of Environmental Services
N. Avery	Manager of Financial Services
N. Tonn	Recording Secretary

CALL TO ORDER

The Chairperson welcomed Alternate Directors Jepson, Johnston, Dempsey, Tyndall and Brennan to the meeting.

INTRODUCTION OF DELEGATES

Introduction of Mr. Gabriel Daluos and Mr. Isaac Amaukwah from the Sunyani Municipal Assembly, Ms. Gladys Tetteh, Program Officer for the National Association of Local Authorities of Ghana, and Ms. Edith Gingras, Program Officer for the Federation of Canadian Municipalities.

The Chairperson introduced and welcomed the visiting delegation to the Committee of the Whole meeting.

DELEGATIONS

Elfin Ife, re Proposed Qualicum Bay Centre for Arts and Culture.

Ms. Ife was not in attendance.

Darlene Clark, re Proposed Hunting Closure of Nanoose Harbour.

Mr. Rod Weive and Ms. Clark noted that they were not made aware of the Board's decision to support a request to Land, Water and Air Protection to restrict the discharge of firearms in the Nanoose Harbour area until after the Board meeting of May 24th, and requested that the local Fish and Game Clubs and BC Wildlife Federation be notified if a request of this nature is brought to the Board in the future.

MINUTES

MOVED Director Sherry, SECONDED Director McNabb, that the minutes of the Committee of the Whole meeting held May 10, 2005 be adopted.

CARRIED

UNFINISHED BUSINESS

From the Board Meeting held April 26, 2005

UTILITIES

French Creek Sewer Local Service Area Bylaw No. 813.31 and Northern Community Sewer Local Service Area Bylaw No. 889.30 – H & F Ventures Ltd. – Lee Road – Area G.

MOVED Director Westbrook, SECONDED Director McNabb, that "French Creek Sewerage Facilities Local Service Area Amendment Bylaw No. 813.31, 2005" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Westbrook, SECONDED Director Sherry, that "Northern Community Sewer Local Service Area Amendment Bylaw No. 889.30, 2005" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

COMMUNITY SERVICES

REGIONAL GROWTH MANAGEMENT

Urban Containment and Fringe Area Management Implementation Agreement Review.

MOVED Director Westbrook, SECONDED Director Holdom:

1. That the Urban Containment Implementation Agreement be received.
2. That RDN staff be directed to consult with the public about the Urban Containment Implementation Agreement as recommended in the staff report.
3. That the Urban Containment Implementation Agreement be referred to the City of Nanaimo, the City of Parksville, the Town of Qualicum Beach and the District of Lantzville for information, at the commencement of the public consultation.

CARRIED

CORPORATE AND COMMUNITY DEVELOPMENT

BUILDING INSPECTION

Section 57 of the Community Charter – Contravention of Bylaws

MOVED Director Holme, SECONDED Director Krall,:

1. That a notice be filed against the title of the property listed, pursuant to Section 57 of the *Community Charter*.
 - (a) Lot 15, Block 564, Plan VIP76465, Nanoose District, 1978 Kaye Road, Electoral Area 'G', owned by R. and T. Marston.
2. That staff be directed to proceed with legal action necessary to ensure the property listed is brought into compliance with Building Bylaw No. 1250:
 - (a) Lot 15, Block 564, Plan VIP76465, Nanoose District, 1978 Kaye Road, Electoral Area 'G', owned by R. and T. Marston.

CARRIED

FIRE DEPARTMENTS

Bylaws to Amend the Boundaries of the Extension Fire Protection Service and to Establish a New Fire Service in the Nanaimo River/South Forks Road Area:

- Extension Fire Protection Service Conversion and Boundary Amendment Bylaw No. 1439.
- Nanaimo River Fire Protection Service Area Establishment Bylaw No. 1440.
- Nanaimo River Fire Protection Service Area Loan Authorization Bylaw No. 1441.
- Extension Fire Protection Service Capital Charge Bylaw No. 1444.

MOVED Director Hamilton, SECONDED Director Sherry,:

1. That "Extension Fire Protection Service Conversion and Boundary Amendment Bylaw No. 1439, 2005" be introduced for first three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.
2. That "Nanaimo River Fire Protection Service Area Establishment Bylaw No. 1440, 2005" be introduced for first three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.
3. That "Regional District of Nanaimo (Nanaimo River Fire Protection Service) Loan Authorization Bylaw No. 1441, 2005" be introduced for first three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.
4. That "Extension Fire Protection Service Capital Charge Bylaw No. 1444, 2005" be introduced for first three readings.

CARRIED

PLANNING

Riparian Areas Regulation.

MOVED Director Bartram, SECONDED Director Holdom,:

1. That the Board receive this report for information.

2. That the Board request that the Minister of Water, Land and Air Protection provide a time period extension order delaying implementation of the RAR until December 31st.
3. That the Board direct staff to begin the process to amend the development permit areas as required to implement the Riparian Areas Regulation.

CARRIED

ENVIRONMENTAL SERVICES

LIQUID WASTE

French Creek Pollution Control Centre Expansion and Upgrading Strategy.

MOVED Director Sherry, SECONDED Director Westbrook, that "Northern Community Sewer Service Area Development Cost Charges Bylaw No. 1442, 2005" be introduced for first and second readings and be forwarded for consultation as outlined in this report.

CARRIED

Fairwinds Wastewater Treatment Development Cost Charge Bylaw No. 1443.

MOVED Director Holme, SECONDED Director Sherry, that "Fairwinds Wastewater Treatment Development Cost Charges Bylaw No. 1443, 2005" be introduced for first three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

CARRIED

SOLID WASTE

Landfill Gas Utilization Development Agreement.

MOVED Director Sherry, SECONDED Director Holdom, that the Board approve the Development Agreement with Suncurrent Industries Inc. to demonstrate the commercial viability of operating external combustion engines to generate electricity using landfill gas as an alternative fuel source.

CARRIED

Residential Food Waste Collection Pilot Project.

MOVED Director Sherry, SECONDED Director Bartram, that the Board approve a residential food waste diversion pilot project to be carried out in 2006.

CARRIED

UTILITIES

Acquisition of the Breakwater Utility.

MOVED Director Krall, SECONDED Director McNabb, that the Board support the expenditure of \$45,000 to assist in completing the transfer and operational agreements with EPCOR for ownership and operation of the Breakwater utility.

CARRIED

French Creek Sewer Local Service Area Bylaw No. 813.33 and Northern Community Sewer Local Service Area Bylaw No. 889.33 – 889 Cavin Road – Area G.

MOVED Director Sherry, SECONDED Director Tyndall,:

1. That "Regional District of Nanaimo French Creek Sewer Local Service Area Bylaw No. 813.33, 2005" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

2. That "Northern Community Sewer Local Service Area Bylaw No. 889.33, 2005" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

Capital Asset Management Review – Infrastructure Planning (Study) Grant Applications.

MOVED Director Holme, SECONDED Director Krall, that the Board support the applications to the Ministry of Community, Aboriginal and Women's Services for planning grants to support the Capital Asset Management Reviews for Fairwinds Water, Nanoose Water, Arbutus Park Water, San Pareil Water and Fairwinds Sewer.

CARRIED

Water System Audit – Infrastructure Planning (Study) Grant Applications.

MOVED Director Sherry, SECONDED Director Holme, that the Board support the applications to the Ministry of Community, Aboriginal and Women's Services for planning grants to support the Water System Audit for the Nanoose Peninsula Water Local Service Areas.

CARRIED

Nanoose Bay Peninsula Water Services Amalgamation. (Bylaws No. 867.01, 929.04, 930.03, 788.04, 1255.02, 1288.01 and 1372.02)

MOVED Director Holme, SECONDED Director Bartram,:

Bylaw No. 867.01.

That "Nanoose Bay Peninsula Water Services Amalgamation Bylaw No. 867.01, 2005" be introduced for first three readings and forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

Bylaw No. 929.04.

That "West Bay Estates Water Service Area Purpose Amendment Bylaw No. 929.04, 2005" be introduced for first three readings and forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

Bylaw No. 930.03.

That "Arbutus Park Estates Water Service Area Purpose Amendment Bylaw No. 930.03, 2005" be introduced for first three readings and forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

Bylaw No. 788.04.

That "Madrona Point Water Service Area Purpose Amendment Bylaw No. 788.04, 2005" be introduced for first three readings and forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

Bylaw No. 1255.02.

That "Driftwood Water Service Area Purpose Amendment Bylaw No. 1255.02, 2005" be introduced for first three readings and forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

Bylaw No. 1288.02.

That "Fairwinds Water Service Area Purpose Amendment Bylaw No. 1288.01, 2005" be introduced for first three readings and forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

Bylaw No. 1372.02.

That "Nanoose Bay Water Supply Service Area Purpose Amendment Bylaw No. 1372.02, 2005" be introduced for first three readings and forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

Electoral Area 'G' Parks & Open Space Advisory Committee Appointment.

MOVED Director Westbrook, SECONDED Director Holdom, that Alan Birchard be appointed to the Electoral Area 'G' Parks & Open Space Advisory Committee for a term ending December 31, 2007.

CARRIED

District 69 Recreation Commission.

MOVED Director Bartram, SECONDED Director Westbrook, that the minutes of the District 69 Recreation Commission meeting held May 19, 2005 be received for information.

CARRIED

MOVED Director Bartram, SECONDED Director Holne, that the Board release the freeze placed on the District 69 Recreation Youth and Community Grant funds, that they continue their discussions with regard to the Community Policing Services and plan for Community Policing as a budget item in 2006 and that they approve the recommendations from the District 69 Recreation Commission Grants Committee for the following Recreation Youth and Community Grants:

Youth Recreation Grants

Ballenas Cheer Team	\$ 1,500
District 69 Family Resource Association – Youth Link	\$ 2,000
Kidfest	\$ 1,500
Kwalikum Senior Secondary School Prom and Dry Grad Committee	\$ 1,250
Oceanside Arts Council – summer youth theatre	\$ 725
Oceanside Minor Baseball – improve Springwood old Pee Wee field	\$ 2,500
Women and Girls in Sport – hockey clinics and equipment	\$ 1,350

Community Recreation Grants

Errington Therapeutic Riding Association – insurance and tack	\$ 1,300
Errington War Memorial Hall Association – chairs	\$ 2,250
Nanoose Place Landscaping Project	\$ 1,500
Nicholls Park Revitalization Project	\$ 1,000
Oceanside Lyric Ensemble	\$ 1,100
Parksville Seniors Athletic Group	\$ 230
Qualicum Beach Family Day	\$ 750
Village Voices of Qualicum Beach – choral risers	\$ 2,100

CARRIED

Regional Growth Monitoring Advisory Committee/State of Sustainability Project.

MOVED Director Holme, SECONDED Director Holdom, that the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meeting held May 18, 2005 be received for information.

CARRIED

Regional Parks Plan Review Select Committee.

MOVED Director McNabb, SECONDED Director Bartram, that the minutes of the Regional Parks Plan Review Select Committee meeting held May 10, 2005 be received for information.

CARRIED

MOVED Director McNabb, SECONDED Director Bartram, that the Terms of Reference for the establishment of the Regional Parks and Trails Advisory Committee be approved with the inclusion of the Board Chair as a voting member.

CARRIED

Area 'H' Parks & Open Space Advisory Committee.

MOVED Director Bartram, SECONDED Director Holdom, that the minutes of the Area 'H' Parks & Open Space Advisory Committee meeting held March 16, 2005 be received for information.

CARRIED

Nanoose Bay Parks and Open Space Advisory Committee.

MOVED Director Holme, SECONDED Director Krall, that the minutes of the Nanoose Bay Parks and Open Space Advisory Committee meeting held May 2, 2005 be received for information.

CARRIED

Deep Bay Harbour Authority.

Director Bartram noted that the permit to work on the harbour parking lot has been obtained.

MOVED Director Sherry, SECONDED Director Holdom, that the verbal report be received.

CARRIED

NEW BUSINESS

Horne Lake Caves Road.

MOVED Director Bartram, SECONDED Director Biggemann, that the RDN request the Ministry of Transportation to assign high priority to the upgrading of Horne Lake and Horne Lake Caves Roads because of the dangerous mix of high-volume industrial and recreational vehicle traffic now sharing the roads and the significant public safety concerns that have resulted.

CARRIED

IN CAMERA

MOVED Director Sherry, SECONDED Director Johnston, that pursuant to Section 90(1)(g) of the *Community Charter* the Board proceed to an In Camera meeting to consider items relating to legal matters.

CARRIED

ADJOURNMENT

MOVED Director Sherry, SECONDED Director Johnston, that this meeting terminate.

CARRIED

TIME: 7:49 PM

CHAIRPERSON

TO: Jason Llewellyn
Manager, Community Planning

DATE: June 22, 2005

FROM: Blaine Russell, Planner

SUBJECT: Rezoning of Resource and Forest Land Subdivision Regulations

PURPOSE

To consider amending the subdivision district designation of resource and forestry lands to a minimum parcel size of 50 hectares.

BACKGROUND

The intent of this report is to provide follow-up to the motion passed by the Board of the Regional District, at their regular meeting of April 26th, 2005:

That staff prepare a report for the Board which would identify forestry land sites within the Regional District including Mount Benson, that may be proposed for subdivision and should be considered for zoning amendments that would restrict minimum parcel sizes to 50 hectares.

The initial background report was prepared, with respect to forestry and resource land that provided recommendations to regarding rezoning and Official Community Plan (OCP) policy amendments to achieve a 50 hectare minimum parcel size. The recommendation to proceed with the zoning and Official community Plan amendments process was proposed by the Board of the Regional District on May 24, 2005.

ALTERNATIVES

1. To approve the proposed bylaw amendments for 1st and 2nd reading and proceed to a Public Hearing.
2. To not proceed with the bylaw amendments.

IMPLICATIONS

Resource Lands and Open Space are identified in the "Regional District of Nanaimo Growth Management Strategy Bylaw No. 1309, 2002" (RGS) as land that has primary value for resource uses such as agriculture, forestry, aggregate and other resource development. There are general concerns regarding the impact that increased residential subdivisions have on the present and future viability of forestry and other resource uses. The impacts are due to the fragmentation of the land base and the potential for land use conflicts between residential and resource uses. Forestry activity and other resource uses can be unsightly, generate noise, dust and traffic during harvesting and extraction activity is in direct conflict with residential development. Increasing the minimum parcel size would limit the fragmentation of land

base and allow the RDN to plan for separation between land uses thus reducing the potential for land use conflicts. Therefore it is being recommended that the minimum parcel size be amended to 50.0 hectares.

Forestry is a vital component of the local economy, and the RGS supports measures to ensure that sufficient land is available for desirable economic development activity.

The proposed amendment to increase the minimum parcel size of forest lands is consistent with the principle goal of the RDN Regional Growth Strategy:

- To limit sprawl and focus development within well defined urban containment boundaries
- To protect and strengthen the regions rural economy and lifestyle
- To protect the environment and to minimize ecological damage related to growth and development

Identification Methodology

Resource and forestry lands were identified pursuant to "Regional District of Nanaimo Growth Strategy Bylaw No. 1309, 2002" as lands designated as Resource Lands and Open Space. Lands within the Agricultural Land Reserve and parks were then excluded as were parcels within subdivision districts 'V' or 'Z' as their zoning already meets or exceeds the proposed 50.0 hectare minimum parcel size. A more detailed analysis has been undertaken to exclude parcels that, due to the minimum parcel size requirements of their respective subdivision district, are already unsubdividable. In addition, parcels or those portions of parcels where silviculture is not a permitted use, such as residential, recreational and commercial zoned lands, have also been excluded. Properties where a majority of the parcel is within the ALR and where there is a non-ALR portion that is not subdividable have also been excluded.

The remaining lands were then reviewed, by Electoral Area, to determine if the proposed changes in the subdivision regulations would be consistent with the existing applicable OCP or if a change to the OCP would be required. The level of implementation of OCP policies with respect to changes in subdivision regulations varies for each Electoral Area. Some OCPs also contain specific policies exempting or recognizing historic minimal parcel size criteria for certain lands, typically non FLR lands. For the purpose of this report the status of properties as former FLR or 'Private Managed Forest Land' has not been used to determine whether or not the property should be considered for redesignation to the proposed 50 hectare minimum parcels size.

A detailed list and map of properties effected by the proposed bylaw amendments shall be available at the regular meeting of the Board of the Regional District on June 28, 2005 and may be viewed at the Development Service Department.

Electoral Area 'A'

Lands identified as forestry land within "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001" are contained within the Rural Resource Lands designation.

The following existing Rural Resource policies deal specifically with minimum parcel size:

Section 3 – Rural Resource Lands

Policies

2. *For Rural Resource Lands within the Forest Land Reserve, the minimum parcel size for future subdivision shall be 50.0 ha although this Plan that recognizes there are existing parcels less than 50.0 ha in size.*

3. *For Rural Resource Lands within the Agricultural Land Reserve, the minimum parcel size shall be 8.0 ha, although this Plan recognizes that there are existing parcels less than 8.0 ha in size.*
4. *For Rural Resource Lands not located within the Forest Land Reserve or the Agricultural Land Reserve, the minimum parcel size shall be 8.0 ha, although this Plan recognizes that there are existing parcels less than 8.0 ha in size.*

In order to limit minimum parcel sizes of resource and forestry lands to 50.0 hectares, the Rural Resource Lands land use designation of the Electoral Area 'A' OCP will need to be amended. It is proposed that Rural Resource policies be amended to read as follows:

Section 3 – Rural Resource Lands

Policies

2. *Lands within this designation shall have a minimum permitted parcel size of 50.0 hectares, except for lands within the Agricultural Land Reserve.*

In addition it is proposed that policy 4 be deleted and that policy 5 through 11 be renumbered accordingly.

Implementation of the amendment to the Rural Resource Lands designation, pursuant to the Electoral Area 'A' OCP will require the Board to consider amending the subdivision districts of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" for all identified forest properties, identified as per the methodology, that are designated Rural Resource Lands pursuant to the OCP.

Electoral Area 'C'

Lands that are identified as forestry land within "Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Bylaw No. 1148, 1999" are within the Resource designation.

The following existing Resource policies deal specifically with minimum parcel size:

Goal 3- Protect Rural Integrity - Resource

Policies

- 2)b) *New lots for lands located within the FLR will have a minimum lot size of 50.0 hectares. New lots within the FLR will not be allowed unless approved by the Forest Land Commission.*
- 2)c) *New lots for lands located within the ALR will have a minimum lot size of 8.0 hectares. New lots within the ALR will not be allowed unless approved by the Agricultural Land Commission.*
- 2)d) *New lots for lands not located within the FLR or ALR will have a minimum lot size of 8.0 hectares.*

In order to limit minimum parcel sizes of resource and forestry lands to 50 hectares, the Resource land use designation of the Electoral Area 'C' OCP will need to be amended. It is proposed that Resource policies be amended to read as follows:

Goal 3- Protect Rural Integrity – Resource

Policies

- 2)b) *Lands within this designation shall have a minimum permitted parcel size of 50.0 hectares, except for lands within the Agricultural Land Reserve.*

In addition it is proposed that policy 2jd) be deleted and that policy e) through j) be lettered accordingly.

Implementation of the amendment to the Resource designation, pursuant to the Electoral Area 'C' OCP, will require the Board to consider amending the subdivision districts of "Regional District of Nanaimo

Land Use and Subdivision Bylaw No. 500, 1987" for all identified forest properties, identified as per the methodology, that are designated Resource pursuant to the OCP.

Electoral Area 'D'

Lands that are identified as forestry land within "Regional District of Nanaimo East Wellington - Pleasant Valley Official Community Plan Bylaw No. 1055, 1997" are designated Resource, and Rural for lands that were formally in the Forest Land Reserve (FLR).

The following existing Resource policies deal specifically with minimum parcel size:

4.1 Resource

Policies:

- 1. Land within the Resource designation as shown on Map No. 3 attached to and forming part of this Plan, shall have a minimum parcel size of 8.0 hectares.*

In order to limit minimum parcel sizes of resource and forestry lands to 50.0 hectares, the Resource land use designation of the Electoral Area 'D' OCP will need to be amended. It is proposed that Resource policies be amended to read as follows:

- 1. Land within the Resource designation as shown on Map No. 3 attached to and forming part of this Plan, shall have a minimum parcel size of 50.0 hectares.*

Implementation of the amendment to the Resource designation, pursuant to the Electoral Area 'D' OCP, will require the Board to consider amending the subdivision districts of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" for all identified forest properties, identified as per the methodology, that are designated Resource pursuant to the OCP.

The following existing Rural policies deal specifically with minimum parcel size:

4.2 Rural

Policies:

- 1. Land within the Rural designation as shown on Map No. 3, attached to and forming part of this Plan, shall have a minimum parcel size of 2.0 hectares.*

In order to limit minimum parcel sizes of resource and forestry lands to 50.0 hectares, the Rural land use designation of the Electoral Area 'D' OPC need to be amended. It is proposed that Rural policies be amended to read as follows:

- 1. Land within the Rural designation as shown on Map No. 3 attached to and forming part of this Plan, shall have a minimum parcel size of 2.0 hectares except those lands that as of the date of this amendment are designated as **Crown Lands (forest)** or where for taxation purposes are designated as **Managed Forest Class** shall have a minimum parcel size of 50.0.*

Implementation of the amendment to the Rural designation, pursuant to the Electoral Area 'D' OCP will require the Board to consider amending the subdivision districts of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" for all identified forest properties, identified as per the methodology, that are Crown lands or are designated as Managed Forest Class and that are designated Rural pursuant to the OCP.

Electoral Area 'E'

Lands that are identified as forestry land within Electoral Area 'E' are to be addressed as part of the implementation of the proposed new Nanoose Bay Official Community Plan.

Electoral Area 'F'

Lands that are identified as forestry land within "Regional District of Nanaimo Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999" are designated Resource Lands (with FLR, ALR, Crown Lands), Parks Lands, and Transportation Corridor.

Resource and forestry land, within Electoral Area 'F', are contained primarily within the Resource designation, along with Crown lands that were intended for park and the transportation corridor for the railroad to Port Alberni. The minimum parcel size for the Resource land use designation, within the Electoral Area 'F' OCP are 50.0 hectares for all lands currently (at the time of the adoption of the OCP) situated in the FLR or Crown Lands and 8.0 where currently situated in the ALR. The general policy states that "where land is removed from the ALR or FLR, the Resource Lands Designation shall remain...", in other words the 50.0 hectare minimum parcel size is still applicable to resource and forestry land including former FLR lands.

The Electoral Area 'F' OCP defines Park Lands are those lands currently defined as: all provincial parks, community parks, lands restricted for park use by covenant, lands that have been donated to the Crown for park use, and licenses to occupy for park purposes held by the Regional District of Nanaimo.

To the west of the intersection of Bellevue Road and Grafton Avenue are a number of provincial Crown parcels that were originally intended for park, however arrangements with the province have not come to fruition. These properties are 20 hectares or more in size, are not park, and have been identified as Resource Lands and Open Spaces under the Regional District of Nanaimo Growth Strategy. The OCP land use designation as Park Lands is silent on minimum parcel size, therefore no amendment to the CCP would be required in order to rezone the parcels to achieve a minimum 50.0 hectare parcel size consistent with Board's objectives to protect potential forestry lands from subdivision.

An amendment to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" will need to be made in order to implement the 50.0 hectare minimum parcel size. A new zoning designation will need to be created in order to implement the change in minimum parcel for the properties in question so as not to impact existing parks or future park land dedication.

Electoral Area 'G' – Englishman River

There are 4 properties designated as Resource Lands and Open Spaces pursuant to the RDN Growth Strategy; however, they are located within subdivision district 'Z' (no further subdivision) and therefore no change is required to the Area 'G' - Englishman River OCP.

Electoral Area 'G' – French Creek

Lands that are identified as forestry land within "Regional District of Nanaimo French Creek Official Community Plan Bylaw No. 1115, 1998" are designated as Rural.

The following existing Rural policies deal specifically with minimum parcel size:

4.1 Rural

Policies:

1. *Subdivision of land smaller than 8.0 hectares designated 'Rural' on Map No. 3 (Land Use Designations) of this Plan shall not be supported.*
2. *The Land Use and Subdivision Bylaw shall be amended to introduce a minimum parcel size of 8.0 hectares for 'Rural' designated lands and the number of permitted residential units on parcels which are 8.0 hectares or smaller in size shall be restricted to one single family dwelling unit.*

In order to limit minimum parcel sizes of resource and forestry lands to 50.0 hectares, the Rural land use designation of the Electoral Area 'G' – French Creek OCP will need to be amended. It is proposed that Rural policies be amended to read as follows:

Policies:

1. *Subdivision of land smaller than 50.0 hectares designated 'Rural' on Map No. 3 (Land Use Designations) of this Plan shall not be supported, except for properties designated within the Agricultural Land Reserve and subject to Agricultural Land Commission approval.*
2. *The Land Use and Subdivision Bylaw shall be amended to introduce a minimum parcel size of 50.0 hectares for 'Rural' designated lands not within the Agricultural Land Reserve where the minimum parcel size shall be 8.0 hectares.*

Implementation of the amendment to the Rural designation, pursuant to the Electoral Area 'G' French Creek OCP, will require the Board to consider amending the subdivision districts of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" for all identified forest properties, identified as per the methodology, that are designated Rural pursuant to the OCP.

Electoral Area 'G' – Shaw Hill – Deep Bay

Lands that are identified as forestry land within "Regional District of Nanaimo Shaw Hill-Deep Bay Official Community Plan Bylaw No. 1007, 1996" are designated Resource Management and Rural.

The following existing Resource policies deal specifically with minimum parcel size:

4.2.2 Resource

Policies:

1. *Land within the Resource Management designation, as shown on Map No. 3, shall have a minimum parcel size of 20 hectares.*

In order to limit minimum parcel sizes of resource and forestry lands to 50.0 hectares, the Resource land use designation of the Electoral Area 'G' – Shaw Hill – Deep Bay OCP will need to be amended. It is proposed that Resource policies be amended to read as follows:

4.2.2 Resource

Policies:

1. *Land within the Resource Management designation, as shown on Map No. 3, shall have a minimum parcel size of 50.0 hectares.*

Implementation of the amendment to the Rural Resource Lands designation, pursuant to the Electoral Area 'G' – Shaw Hill – Deep Bay OCP, will require the Board to consider amending the subdivision districts of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" for all identified forest properties, identified as per the methodology, that are designated designated Rural Resource Lands pursuant to the OCP.

Due to the complexity of the current status of individual properties within the Rural designation of the Electoral Area 'G' – Shaw Hill – Deep Bay OCP and the many notwithstanding sections contained within this Rural designation these properties are not included in the proposed bylaw amendments.

Electoral Area 'H'

Lands that are identified as forestry land within "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" are designated Resource Lands and Rural Lands. The following existing Resource Lands policies deal specifically with minimum parcel size:

5.2 Resource Lands

Policies:

2. *Lands within this designation shall have a minimum permitted parcel size of 50.0 hectares, except for lands within the Agricultural Land Reserve.*
3. *For lands within the ALR, an 8.0-hectare minimum permitted parcel size shall be supported by this Plan.*

The Electoral Area 'H' Rural Lands designation already addresses the 50.0 hectare minimum parcel size for resource and forestry land. However, in order to limit minimum parcel sizes of resource and forestry lands to 50.0 hectares an amendment the subdivision district designation, pursuant to RDN Bylaw No. 500 will need to be made in order to implement the OCP Resource designation.

Due to the complexity of the current status of individual properties within the Rural designation of the Electoral Area 'H' OCP and the many notwithstanding sections contained within this Rural designation these properties are not included in the proposed bylaw amendments.

INTERGOVERNMENTAL IMPLICATIONS

As the bylaw amendments intend to reduce the potential density of development, and is consistent with the Regional Growth Strategy staff is confident that there shall be no problems obtaining bylaw approval from the Ministry of Transportation (MOT) pursuant to the *Highway Act*.

VOTING

Electoral Area Directors - one vote, except Electoral Area 'B'.

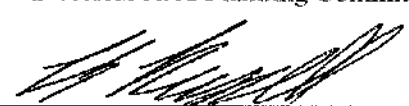
SUMMARY

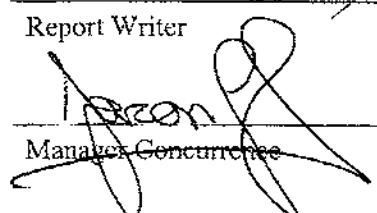
In response to the Board direction to review the existing subdivision regulations applicable to 'forest lands' staff has analyzed the exiting policies contained within OCPs and zoning regulations applicable to properties designated as 'Resource Lands and Open Spaces' within the Regional Growth Strategy. Staff have identified those OCP policies that would have to be amended within each Electoral Area to allow for consideration of a minimum parcel size of 50 hectares for 'forest lands'. Some OCPs have already been implemented to establish a minimum parcel size of 50 hectares or can be implemented with only a change to the Land Use and Subdivision Bylaw. However, in order to implement a new minimum parcel size the majority of OCP bylaws will require an amendment to the policies for lands designated as 'Resource'.


In addition, 4 of the OCPs have forest lands that are currently designated as 'Rural'. For properties within Rural designations a more site specific analysis has be undertaken to ensure that a potential increase in the minimum parcel size is appropriate. In many cases these lands boarder existing rural residential lots and there may be a potential for conflicting land uses. In the case of Electoral Area 'D' East Wellington – Pleasant Valley OCP and Electoral Area 'G' – French Creek, the amendments to the policy for Rural lands is being recommended to proceed.

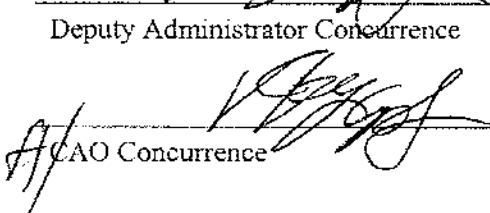
RECOMMENDATIONS

1. That "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Amendment Bylaw No. 1240.02, 2005" be given 1st and 2nd reading.
2. That "Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Amendment Bylaw No. 1148.03, 2005" be given 1st and 2nd reading.
3. That "Regional District of Nanaimo East Wellington - Pleasant Valley Official Community Plan Bylaw Amendment No. 1055.02, 2005" be given 1st and 2nd reading.
4. That "Regional District of Nanaimo French Creek Official Community Plan Amendment Bylaw No. 1115.03, 2005" be given 1st and 2nd reading.
5. That "Regional District of Nanaimo Shaw Hill-Deep Bay Official Community Plan Amendment Bylaw No. 1007.04, 2005" be given 1st and 2nd reading.
6. That "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Amendment Bylaw No. 1335.01,2005" be given 1st and 2nd reading.
7. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.325, 2005" be given 1st and 2nd reading.
8. That "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.06, 2005" be given 1st and 2nd reading.
9. That Bylaw No. 1240.02, 2005, Bylaw No. 1148.03, 2005, Bylaw No. 1055.02, 2005, Bylaw No. 1115.03, 2005, Bylaw No. 1007.04, 2005, Bylaw No. 1335.01, 2005, Bylaw No. 500.325, 2005, Bylaw No. 1285.06, 2005 be referred to a Public Hearing.
10. That the public hearing on Bylaw No. 1240.02, 2005, Bylaw No. 1148.03, 2005, Bylaw No. 1055.02, 2005, Bylaw No. 1115.03, 2005, Bylaw No. 1007.04, 2005, Bylaw No. 1335.01, 2005, Bylaw No. 500.325, 2005, Bylaw No. 1285.06, 2005 be delegated to Elaine Hamilton, Chair of the Electoral Area Planning Committee or her alternate.


Report Writer


Manager Concurrence


Deputy Administrator Concurrence


CAO Concurrence